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The United States Senate

Report of Proceedings

Hearing held before

Select Committee to Study Governmental Operations

With Respect to Intelligence Activities

INTELLIGENCE INVESTIGATION

ALL INFORMATION CONTAINED
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DATE 10/25/02 BY SP2AM/ely
MDR-16

Wednesday, November 19, 1975

Washington, D. C.

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410 FIRST STREET, S. E.
WASHINGTON, D. C. 20003

(202) 544-6000

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C O N T E N T

STATEMENT OF:

PAGE

Testimony of James B. Adams, Deputy Associate Director
FBI Intelligence Division

1738

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DATE 10/26/02 BY SP2ALM/ely
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INTELLIGENCE INVESTIGATION

Wednesday, November 19, 1975

United States Senate,

Select Committee to Study Governmental

Operations with Respect to

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The Committee met, pursuant to notice, at 10:05 o'clock
a.m., in Room 318, Russell Senate Office Building, the
Honorable Frank Church (Chairman) presiding.

Present: Senators Church (presiding), Hart (Michigan),
Mondale, Huddleston, Hart (Colo) Baker, Tower, Gold, Mathias and Schweiker.

Also present: Frederick A.O. Schwarz, Jr., Chief Counsel
and Curtis R. Smothers, Minority Counsel.

The Chairman. The hearing will please come to order.

Our witnesses today are Mr. James B. Adams, the Deputy
Associate Director of the FBI, and Mr. Raymond Wannall, who
is the Assistant Director in charge of the Intelligence
Division of the FBI.

Before I swear the witnesses, Senator Mondale has asked
if he might make an opening statement. And for that purpose
the Chair recognizes the distinguished Senator from Minnesota.

1 Senator Mondale. Thank you very much, Mr. Chairman.
2 I have always supported the FBI. It is clearly the finest,
3 most professional law enforcement agency in the nation and
4 probably in the world. In apprehending robbers, foiling
5 kidnappers, catching fugitives, the FBI has an outstanding
6 record.

7 This is based on my own experience with the FBI in my
8 own state where I served as Attorney General. The vast bulk
9 of its work is devoted to law enforcement and legitimate
10 counter-espionage.

11 In these fields the FBI deserves fully the admiration
12 and respect which Americans traditionally held for the Bureau
13 and its personnel. But in one area, domestic intelligence,
14 the FBI, in my opinion, has clearly gone astray. It now
15 appears that there was an underworld within the FBI which
16 took the tools, techniques and zeal which was so effective
17 against the real foreign threats and turned them in upon some
18 of the American people.

19 Yesterday this Committee heard some of the most disturbing
20 testimony that can be imagined in a free society. We heard
21 evidence that for decades the institutions designed to enforce
22 the laws and constitutions of our country itself has been
23 engaging in conduct that violates the law and the Constitution.
24 We heard that the FBI, which is a part of the Department of
25 Justice, took justice into its own hands by seeking to punish

1 those with unpopular ideas. We learned that the chief law
2 enforcement agency in the Federal government decided that it
3 did not need laws to investigate and suppress the peaceful
4 and constitutional activities of those whom it disapproved.
5 We heard testimony that the FBI, to protect the country
6 against those it believed had totalitarian political views,
7 employed the tactics of totalitarian societies against
8 American citizens. We heard that the FBI attempted to destroy
9 one of our greatest leaders in the field of civil rights, and
10 then replace him with someone of the FBI's choosing.

11 From the evidence the Committee has obtained it is
12 clear that the FBI for decades has conducted surveillance over
13 the personal and political activities of millions of
14 Americans. Evidently, no meeting was too small, no group
15 too insignificant to escape their attention. It did not
16 seem to matter whether the politics of these Americans were
17 legal or radical or whether the participants were well known
18 or obscure. It did not matter whether the information was
19 intimate and personal. The FBI created indexes, more
20 commonly called enemy lists, of thousands of Americans and
21 targeted many of the Americans on these lists for special
22 harassment. Hundreds of thousands of Americans were victims
23 of this surveillance program. Most of this was done in secret.
24 Much of it was kept from Congress and the Justice Department
25 and all of it from the American people. No one outside the

1 FBI has ever had an opportunity to know and appreciate the
2 full extent of the domestic surveillance program that was
3 then being conducted. T...

4 Thus we see that just as in the case of the CIA the
5 key issue was accountability: How we can assure that the
6 secret instruments of government are accountable to the
7 people, the Congress and the law.

8 It is clear that the FBI's authority for these programs
9 is essentially non-existent. I am not persuaded that the
10 secret Presidential orders of President Roosevelt support the
11 Domestic Intelligence program, and even if it did, I do
12 not believe that any President has the authority to order the
13 FBI or anyone else to spy on Americans, to burgle their homes,
14 to wiretap them, to open their mail or to blackmail them.

15 One of the most disturbing aspects of this affair is
16 that the FBI never paid very much attention to whether their
17 activities were authorized or not or whether they were legal
18 and constitutional. One former senior intelligence officer
19 has testified that he never once heard a discussion about
20 legality or constitutionality. Most governments in history
21 have relied on some form of police power to determine what
22 views would prevail in their society. However, America was
23 based on the revolutionary concept that the people should
24 decide what is right and what is wrong, what is acceptable
25 and what is not.

1 That is what we meant by a free government, and our
2 forefathers were convinced that it can exist only through the
3 greatest tolerance of speech and opinion. They placed their
4 faith in the people to remain alert to encroachments on their
5 liberty.

6 The founders of our country knew that the greatest
7 danger to freedom comes from the efforts of government to
8 suppress the opinions of its opponents. They set up a
9 system which limited the powers of government, bound it in
10 the constraints of the law, and prohibited it from infringing
11 on the rights of people to free expression. And through
12 the separation of power, the system of checks and balances,
13 they tried to assure that the Executive would be accountable
14 to the people through the Congress.

15 For the 200 years of our existence as a nation the
16 preservation of liberty has been a constant struggle. Whether
17 it has been the Alien and Sedition Acts during the French
18 Revolution, the Red Scare and the Palmer Raids of World War
19 I, or McCarthyism after World War II, or Army spying during
20 the Vietnam War, the government has let a fear of unorthodox
21 opinion lead it into the trap of infringing upon the
22 Constitution in the name of internal security.

23 The issues we confront today are a part of a continuing
24 drama of American democracy. It is proof, if we ever needed
25 it, that the price of liberty is eternal vigilance.

1 Revelations of abuse of power do not threaten domestic
2 security. These hearings do not weaken the FBI. What weakens
3 it is its failure to adhere to the proper role of law
4 enforcement. Somehow it forgot that this was its job. It
5 began to use its energy to spy on Americans whose only
6 offense was an expressing opinions that some in the FBI did not
7 like. It confused talk of violence with acts of violence,
8 and all too often paid more attention to the talk than to
9 the act.

10 The answer, of course, is that violence justifies
11 prosecution, not surveillance. Our security is not improved
12 by watching those who commit crimes. Security from violence
13 lies in active and vigorous law enforcement of those who
14 are committing crimes. Security from dangerous ideas, if
15 we need any security, should come not from the FBI but
16 from the merit of better ideas, in the good sense of the
17 American people.

18 Our liberty is best protected by scrupulous adherence
19 to the law and the Constitution by the agencies of government.

20 No government agency likes to be the subject of public
21 scrutiny. I know these have been difficult times for the
22 present leadership of the FBI, many of whom were not involved
23 in these programs at all. But if they had been spending a lot
24 of time responding to Congressional investigations, they
25 could not forget that this is the first time in 50 years that

1 the FBI had been subjected to public scrutiny.

2 As painful as this process is, I hope the FBI itself
3 would welcome the opportunity to let in some fresh air and
4 come to grips with the problems in candor and not retreat into
5 past patterns of stirring up public fears to distract our
6 attention from the necessity of reform.

7 Mr. Chairman, may I say that yesterday I am told that
8 following our hearing the FBI responded exactly in the spirit
9 that I had hoped it would. If they can take this constructive
10 approach, I have no doubt that the FBI will benefit from
11 this attention. I want to see a strong FBI, an FBI strong
12 in law enforcement, in the detection of crime, and in the
13 gathering of legal evidence for prosecution and conviction,
14 but an FBI without abuses..

15 As we proceed with these hearings today, we should also
16 bear in mind the responsibility for the abuses we have
17 uncovered does not rest on the FBI alone. We in the
18 Congress have been derelict. It should not have taken until
19 this date for us to discharge our responsibility for
20 investigating FBI and other domestic intelligence.

21 We should also realize that the FBI has been performing
22 a function which many Americans, and at times the vast
23 majority of Americans, have wanted to see undertaken. When
24 popular opinion brands a group unAmerican and subversive
25 merely because of its political views, all too often the FBI

1 has repoded to public expectations and from pressure from
2 a higher authority in government.

3 While this does not excuse what happened, we should
4 temper our criticism of the FBI's excesses by understanding that
5 in large part it was only the instrument of our own intolerance.
6 Indeed, I believe that is why our laws and the charter of the
7 FBI must be carefully redrawn to protect the FBI's integrity
8 from political pressures and hysteria.

9 Finally, it would be a mistake to regard the abuses
10 of the FBI as those of evil men. The FBI has always been
11 composed of dedicated and hard-working public servants who
12 seek to do their jobs as best they can. The lesson we learn
13 from this history is that we cannot keep our liberty secure
14 by relying alone on the good faith of men with great power.

15 As Mr. Justice Brandeis once wrote:

16 "Experience should teach us to be most on guard to
17 protect liberty when government's purposes are beneficent.
18 The greatest dangers to liberty lurk in the insidious
19 encroachment of men of zeal, well-meaning but without
20 understanding."

21 It is my hope that the FBI witnesses we will hear today
22 can enlighten us as to how it can conduct internal security
23 surveillance programs which do not infringe on our
24 constitutional liberties. I hope they can suggest iron-clad
25 assurances that the abuses of the past will not be repeated.

1 We need more protection than promises of self-restraint
2 by men of good will.

3 Thank you, Mr. Chairman.

4 The Chairman. Thank you, Senator Mondale. That is
5 an excellent statement with which I would like to be fully
6 associated.

7 Senator Hart of Michigan. I would, Mr. Chairman, also,
8 except that I want to make clear my family certainly did not
9 support, encourage, or by its vocal position give any
10 indication to the Bureau that they could do what they did.
11 I don't want to go too far in suggesting that what we heard
12 yesterday was simply responding by the Bureau to the mood
13 of those years.

14 In those years if we had known what you were doing,
15 I lay dough, most families would have said stop it.

16 Senator Mondale. That is true. I think one of the
17 points that we might aver to is the Houston Plan and the
18 tremendous pressure the FBI was placed under to again resume
19 techniques that it had abandoned in 1966. There is no
20 question that they were getting private pressure from higher
21 authority to do things. In that instance they didn't want
22 it.

23 The Chairman. Well, I was struck with the fact that
24 the Houston Plan, as illegal as it was, was limited to techniques
25 far more restrictive than the far-reaching methods that were

1 employed by the FBI during the years that we have reviewed in
2 yesterday's hearings. They led beyond anything that was
3 ever contained in any official document requesting from
4 the President additional authority.

5 Now I think, Mr. Adams, Mr. Wannall, in addition to
6 swearing you both, if you are going to have occasion to
7 ask others who are with you to testify in response to certain
8 questions, that it would be well at this time to swear them
9 also.

10 So if that is the case, anyone who anticipates that he
11 may be testifying in this morning's hearing in response to
12 questions, if you will all stand and take the oath at this
13 time.

14 Do you and each of you solemnly swear that all of the
15 testimony that you will give in these proceedings will be
16 the truth, the whole truth, and nothing but the truth, so
17 help you God?

18 Mr. Adams. I do.

19 Mr. Wannall. I do.

20 The Chairman. After yesterday's hearing I asked the staff
21 to furnish me with the statutory authority that presently exists
22 that could be said to relate to the FBI's intelligence activities,
23 which was of course the subject of yesterday's hearings.

24 And I am furnished in response to that request
25 Title XVIII, Section 533 of the United States Code, which

1 reads as follows: "The Attorney General may appoint officials:
2 one, to detect and prosecute crimes against the United States;
3 two, to assist in the protection of the person of the
4 President; and three, to conduct such other investigations
5 regarding official matters under the control of the Department
6 of Justice and the Department of State as maybe directed by
7 the Attorney General.

8 Now yesterday, Mr. Wannall, we were told about a series
9 of activities that were undertaken by the FBI, and indeed,
10 initiated within the FBI, the purpose of which was to harass
11 and discredit Dr. Martin Luther King.

12 Now I am not referring to the results of any FBI
13 investigative activity, but rather, I am referring to these
14 kinds of initiatives that were undertaken for the purpose of
15 either harassing or embarrassing or otherwise discrediting
16 Mr. King himself.

17 My first question is was Dr. King, in his advocacy of
18 equal rights for black citizens, advocating a course of
19 action that in the opinion of the FBI constituted a crime?
20
21
22
23
24
25

12 1 TESTIMONY OF JAMES B. ADAMS, DEPUTY ASSOCIATE DIRECTOR
2 OF THE FBI, AND RAYMOND WANNALL, ASSISTANT DIRECTOR,
3 FBI INTELLIGENCE DIVISION
4

5 Mr. Adams. No, sir.

6 The Chairman. So he was not then thought to be engaged
7 in any criminal activity. In fact, he was preaching, as I
8 remember those days, non-violence, was he not, as a method
9 of achieving equal rights for black citizens?

10 Mr. Adams. That's right, his advocacy for civil rights.

11 The Chairman. His advocacy of civil rights was non-
12 violent and therefore legal in character.

13 Mr. Adams. That was not the basis of our investigation
14 of him.

15 The Chairman. But as you have said, he was not
16 engaging in any unlawful activity in connection with his
17 advocacy of equal rights for black citizens.

18 Is that correct?

19 Mr. Adams. Yes, sir.

20 The Chairman. Well, is it true that at one time the
21 FBI undertook to discourage an American college from conferring
22 an honorary degree on Dr. King?

23 Mr. Adams. Yes, sir.

24 The Chairman. On what legal basis does the FBI have
25 a right to interfere, in an effort to discourage a college from

1 conferring an honorary degree upon a man like Dr. Martin
2 Luther King, who was not engaging in or suspected of engaging
3 in criminal activity?

4 Mr. Adams. I know of no basis.

5 The Chairman. Why did the FBI do it?

6 Mr. Adams. Well, we have to approach two parts, in
7 my estimation, Senator Church. One, the basis for our
8 investigation of Martin Luther King, which was to determine
9 communist influence on him, my hands are tied in discussing
--10 that somewhat on the basis that there is certain information
11 which today, from an ongoing operation is sensitive and
12 which, of course, we have made known to you and certain
13 staff members.

14 I would like to say on the basis that from our review
15 we feel that we initially had a basis for investigating Martin
16 Luther King.

17 Now as far as the activities which you are asking about,
18 the discrediting, I know of no basis for that and I will
19 not attempt to justify it.

20 The Chairman. You never made a finding, did you, that
21 Martin Luther King was a communist?

22 Mr. Adams. No, sir, we did not. We were investigating
23 communist influence and the possible effect on him. We
24 never made such a determination.

25 The Chairman. Very well. Then there was no justification

1 for the FBI to interfere?

2 Mr. Adams. To discredit him.

3 The Chairman. In conferring an honorary degree upon
4 him.

5 Mr. Adams. I cannot find any justification for that.

6 The Chairman. Is it true that the FBI on another occasion
7 intervened in an attempt to prevent Dr. Martin Luther King
8 from seeing the Pope?

9 Mr. Adams. I believe that is correct, sir. There were
10 approximately 25 incidents, I believe, of actions taken in
11 this regard. I think Mr. Schwarz has those available, that
12 I would lump basically all of them into the same situation
13 of I see no statutory basis or no basis of justification for
14 the activity.

15 The Chairman. But what was the motive, there being no
16 statutory basis or other valid basis? What was the motive
17 for attempting to prevent Dr. Martin Luther King from visiting
18 with the Pope?

19 Mr. Adams. In looking at absolute motive, I don't think
20 the files which we have reviewed and made available to the
21 Committee, give me a clear picture of what the motive was.
22 I think that there were, the motive was certainly known to
23 Mr. Hoover. It was known to one top official who is no longer
24 with the Bureau and maybe known to others, all of whom have
25 been interviewed by the Committee. Matters bearing on what

1 might have been the real motive or the possible motive, I
2 again feel, because of reasons of privacy and delicacy, are
3 not a proper subject of discussion at a public hearing.

4 I think we know what could have influenced this, but
5 one, the primary individual, Mr. Hoover, is not with us.
6 Individuals who were closest to him in this effort are not
7 with us. And the Committee itself has interviewed him.

8 So I really am not in a position to discuss this motive
9 issue.

10 The Chairman. Nevertheless, you would agree that
11 whatever the motive, it was a very improper thing to do.

12 Mr. Adams. I cannot find any justification, no, sir.

End of Tape

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1 The Chairman. Is it true that after Dr. Martin Luther
2 King had been nominated for the Nobel Peace Prize, that an
3 anonymous letter was sent to Dr. Martin Luther King and to
4 Mrs. King, Coretta King, his wife, which was sent 34 days before
5 he was to receive the Nobel Peace Prize?

6 Mr. Adams. I do not think those dates are correct.

7 The Chairman. Well, it was sent --

8 Mr. Adams. It was before he was to receive it. I think
9 34 days -- upon reconstruction by one of the members of my
10 staff, 34 days would have been Christmas Day, and whether that
11 34 days --

12 The Chairman. It is hard to believe that such a letter
13 would be written on Christmas Day.

14 Mr. Adams. It was not written on Christmas Day, but 34
15 days -- the Nobel Peace Prize I think was on December 10, the
16 letter was 34 days from the date of the mailing of the letter
17 as has been reconstructed, as best as possible, would have been
18 Christmas Day.

19 The Chairman. Was the letter written and sent by the
20 FBI?

21 Mr. Adams. We have no information to that effect. All
22 we know is that the draft, or original, of what may have been
23 the letter was found in papers of the FBI left after a former
24 official departed the FBI. We know that based upon inquiries
25 that we have conducted and you have conducted, we know that the

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1 letter was not -- I mean it was in connection with other
2 material. So I think we can assume --

3 The Chairman. Other materials which were sent.

4 Mr. Adams. That's right. So I can assume that the letter
5 was sent. I have determined nothing from my review of the
6 files, and neither has your staff, to my knowledge, or has been
7 reported back to me which would indicate that this action was
8 duly recorded in any file or was a part of any authorized
9 program or anything else. This is a void that I do not think
10 any of us has been satisfactorily able to resolve.

11 The Chairman. We know the letter appeared in the files. We
12 know that the letter was received. We know it was associated
13 with other matters that were sent by the FBI to Dr. Martin
14 Luther King.

15 Mr. Adams. The letter was never in our files in the sense
16 that it was entered into the official files of the FBI. It was
17 among papers --

18 The Chairman. It was among papers...

19 Mr. Adams. Left by an individual who had departed.

20 The Chairman. That individual being Mr. Sullivan?

21 Mr. Adams. Yes, sir.

22 The Chairman. The letter read, "King, there is only one
23 thing left for you to do. You know what it is. You have just
24 34 days in which to do it; this exact number has been selected
25 for a specific reason. It has definite practical significance.

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1 You are done. There is but one way out for you."

2 Now, if you had received such a letter, how would you have
3 interpreted it? What would you have thought it meant?

4 Mr. Adams. I have read that statement. I have heard the
5 conclusions of your staff that it was a suicide urging. I can't
6 find any basis upon which they drew that conclusion. I think
7 that, approaching it from an objective standpoint, as I read it,
8 I don't know what it means.

9 I think rather than a conclusion it should be a speculation
10 in a realm of possibilities as to what was intended, but I
11 cannot -- I don't understand the basis for it. It is a
12 possibility, but I certainly would not reach such a conclusion
13 from my reading of that statement....

14 The Chairman... Now, if you had received a letter of this
15 kind and it had been directed to you, if you were in Dr. King's
16 position and you read, "King, there is only one thing left
17 for you to do. You know what it is. You have just 34 days in
18 which to do it." Now, that happened to correspond to the time
19 before which he was to receive the Nobel Peace Prize. What
20 would you think that meant?

21 Mr. Adams. I would have to consider what I was being
22 accused of. I would have to consider what the facts were. I
23 would have to consider what the intent of the person was writing
24 such a note, coming just before Christmas. I don't know if it
25 means, it is an urging to repent from something this person,

1 whoever he was, that had sent it, I have no idea what it meant.

2 The Chairman. It is certainly no Christmas card, is it?

3 Mr. Adams. It is certainly no Christmas card.

4 The Chairman. It reads, "You are done. There is but one
5 way out for you."

6 What does that mean?

7 Mr. Adams. I don't know. I don't know if it means
8 confession. I don't know if it means suicide, as has been raised.
9 I have no idea. You have the statement. I am not in a position
- 10 to say. I haven't interviewed anyone that was with him at the
11 time he received it.

12 The Chairman. Would you disown this statement and say that
13 any connection the FBI had with it was utterly improper and
14 grotesque?

15 Mr. Adams. I certainly would say it was improper, and I
16 can't justify its being prepared or sent, yes, sir.

17 Senator Mondale. Mr. Chairman, if I might just interrupt.

18 The Chairman. Senator Mondale.

19 Senator Mondale. What I asked yesterday of the staff was
20 what Dr. King took it to mean. I have no knowledge of what those
21 who framed this letter intended, and those who were with him at
22 the time he read it, including Congressman Young who was one of
23 his assistants at the time, said that they took it to mean a
24 suggestion that he take his own life.

25 Mr. Adams. I am not in possession of that information. I

1 am being put in a position, I don't know what the staff determined.
2 They did not report back to me on their findings.

3 The Chairman. The letter will speak for itself. You
4 personally have disowned it.

5 Mr. Adams. Absolutely.

6 The Chairman. As a highly improper thing for the FBI
7 to be connected with in any way, do you agree with that?

8 Mr. Adams. Yes, sir, yes, sir..

9 The Chairman. Now, without going through the many
10 different and specific undertakings that were intended to public-
11 ly discredit Dr. King, because my time will not permit that and
12 others will want to question you on other specific matters, I
13 have just one further question to put to you..

14 Yesterday there was a document of the FBI which suggested
15 that in the opinion of the Bureau, Dr. King was an unsuitable
16 leader for the civil rights movement, and that another man
17 should be looked for, and indeed, another candidate was actually
18 suggested to Mr. Hoover as one who should be promoted in
19 various ways so that he might assume the leadership of this
20 movement.

21 Now, can you tell me of anything in the law, or any other
22 justification, given the mission of the FBI, that would entitle
23 it to decide who should lead political movements in this country
24 or to undertake to degrade a man who had fought and won such
25 leadership and had the support of a great many black people in

1 this country, and white people as well, and to substitute in his
2 place someone of the FBI's selection or someone who stood in
3 the FBI's favor?

4 Can you think of any justification for such activity on
5 the part of a law enforcement agency?

6 Mr. Adams. I can't think of any offhand, no, sir.

7 The Chairman. Neither can I.

8 Senator Tower?

9 Senator Tower. Thank you, Mr. Chairman.

10 What is your understanding, if you have any understanding
11 of the underlying causes of the feud between Mr. Hoover and
12 Dr. King?

13 Mr. Adams. Senator Tower, I feel if we got into any
14 discussion of that, I think we would have to take into consider-
15 ation certain material which I feel should not be disclosed
16 publicly, and I would respectfully ask that a question of motive
17 of Mr. Hoover and the spat with Mr. King should be discussed
18 in executive session, if at all.

19 Senator Tower...All right.

20 In 1965 Attorney General Katzenbach was informed by Mr.
21 Hoover of the Bureau's surveillance of Dr. King.

22 What was the Attorney General's reaction? What was his
23 position once he was informed by Mr. Hoover of this surveillance?

24 Mr. Adams. I don't recall having seen it.

25 Senator Tower. In other words, did the Attorney General

1 give any direction to the Bureau in the matter that you know of?

2 Mr. Adams. Yes, sir. I know that, of course, on the
3 wiretapping on Martin Luther King, it was approved by the
4 Attorney General. I know that the President of the United States
5 and the Attorney General specifically discussed their concern
6 with Dr. King over Communist influence on him. I do know there
7 was concern, but I don't tie in this date, 1965.

8 Senator Tower. Do you know whether or not Mr. Hoover
9 ever sought direct authorization from Mr. Katzenbach for this
10 very sensitive surveillance of Dr. King?

11 Mr. Adams. I don't know. Attorney General Kennedy approved
12 the actual surveillance that was instituted on Dr. King. I
13 don't know of any correspondence between Attorney General
14 Katzenbach --

15 Senator Tower. Or any personal communication between them
16 that would have indicated the level of the Attorney General's
17 involvement? . .

18 Mr. Adams. No.

19 If my recollection serves me correct, as far as Attorney
20 General Kennedy was concerned, he requested coverage on Dr.
21 King. The Bureau responded with a request in writing, which
22 is our normal procedure. He declined to approve that request,
23 and then we came back later, a few months later and requested
24 it again, at which time he did approve. That is my recollection
25 of that.

1 Senator Tower. Why did the Attorney General change his
2 mind? Do you have any idea, or is that again a matter of
3 sensitivity?

4 Mr. Adams. I don't know why he actually changed his mind
5 from originally requesting, then declining when it was submitted,
6 and then approving it on the second go round.

7 It may be in the files. If it is, I would be glad to see
8 what I could determine.

9 Senator Tower. If you could, we would like to have that.

10 Mr. Adams. Yes, sir.

11 Senator Tower. Mr. Adams, you have been familiar with the
12 Bureau's domestic intelligence work for many years. How did
13 the Bureau come to launch the COINTEL program and what in essence
14 did COINTELPRO accomplish?

15 Mr. Adams. Well, the program as such, as I can reconstruct
16 from the files, was indicated as concern over conspiratorial
17 efforts of certain groups, and a decision made that perhaps
18 more affirmative action should be taken to neutralize violence
19 which was becoming of more concern to the FBI in that regard.
20 I believe these are some of the basic considerations that went
21 into the launching of the COINTELPRO.

22 Now, as far as the first one, which was the Communist
23 Party, of course, there was the concern here to neutralize the
24 effectiveness of the Communist Party in the United States. In
25 fact, out of all of the COINTELPRO operations that were approved,

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1 59 percent of them were directed at the Communist Party. The
2 bulk of the concern initially was with the Communist Party and
3 it was a desire to create factionalism within the Communist
4 Party and try to neutralize its efforts.

5 The Communist Party, Congress itself, still has a determina-
6 tion on the record as to the threat of the Communist Party in a
7 statute. The Supreme Court has held that the Communist Party is
8 an instrument of the Soviet Union. The Soviet Union certainly
9 has not relinquished its interest in the United States as a
10 target. All of these considerations went into should we do
11 something not only to follow the activities of the Communist
12 Party, but should we destroy its effectiveness in the United
13 States.

14 That was the first program, I believe, that was initiated.

15 Senator Tower. Now, did the Bureau ever seek direction and
16 counsel from the Attorney General on any of its COINTELPRO
17 efforts or specific programs?

18 Mr. Adams. As best as I can reconstruct, Senator, there
19 was no direct authority requested from any Attorney General for
20 the initiation of these programs, and it is only a question, as
21 your staff presented yesterday, that the Attorney Generals,
22 Presidents, Congress, had been made available of certain aspects
23 of programs after the fact and those were primarily concerned
24 with the Communist Party and, oh, one other organization but
25 not the New Left and these other types. So I cannot find any

1 evidence, and I have no reason to believe that there would be
2 any evidence that the Bureau initiated these programs other than
3 as an internal decision.

4 Senator Tower. Well, were reports on these programs made
5 to the Attorney General? Was he informed of them? Was he kept
6 informed on a continuing basis?

7 Mr. Adams. He was kept informed by letters, which again
8 the staff has alluded to, letters reporting certain developments.
9 For instance, one of them that went to one Attorney General,
10 reading of that letter outlined almost in complete detail Klan
11 activities, activities taken to disrupt the Klan. It used
12 terms of neutralize, disrupt. There was a clear explanation of
13 what we were doing against the Klan in that regard.

14 Senator Tower. How is it that you came to believe that you
15 had the authority to neutralize or disrupt these organizations
16 rather than proceed against them frontally through prosecuting
17 them for law violations?

18 Mr. Adams. I guess you would have to say, in a position
19 like this, that it is just like the Smith Act of 1940, which is
20 designed to prevent revolutionary groups from advocating the
21 overthrow of the Government, and then subsequent interpretations
22 as to the constitutionality of it leaves us with a statute
23 still on the books that proscribes certain actions, but yet the
24 degree of proof necessary to operate under the few remaining
25 areas is such that there was no satisfactory way to proceed,

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1 and it was an area where --

2 The Chairman. Will the Senator yield at that point, please?

3 What you are saying, Mr. Wannall -- Mr. Adams, excuse

4 me, is that you did not operate within the law because the

5 law didn't give you sufficient latitude. Therefore you under-

6 took direct action to disrupt and otherwise undermine these

7 organizations.

8 Senator Tower. Did you proceed on the assumption that

9 these organizations would eventually break the law, and therefore

10 you sought to neutralize and disrupt them before they did?

11 Mr. Adams. I can't say that, sir. I think that the investi-

12 gations of them were based on this belief, that they might

13 break the law or they were breaking the law. The disruptive

14 activities, I can't find where we were able to relate to that.

15 What it boils down to is what we have gotten into a question

16 before on: in our review of the situation we see men of the

17 FBI recognizing or having a good faith belief that there was

18 immediate danger to the United States --

19 Senator Tower. All right, but to repair to Senator Church's

20 question, you don't say that you really had specific legal

21 authority.

22 Mr. Adams. No. And this is the hangup with the whole

23 program, and which we are not trying to justify, that there is

24 some statutory basis. I would not make that effort whatsoever.

25 All I'm trying to do is say that at the time it was initiated,

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1 we had men who felt that there was an immediate danger to the
2 country. They felt they had a responsibility to act and having
3 felt this responsibility, did act. And this is the whole problem
4 we have at the present time, because we do have, one, we can
5 see good evidence of their belief there was a threat. We had
6 cities being burned, we had educational institutions being
7 bombed. We had deaths occurring from all of these activities.
8 We had a situation that we didn't know what the end was going
9 to be. We never can look around the corner in intelligence
10 operations. We don't know if ultimately this might bring the
11 destruction of the country. All we know is we had an extremely
12 violent time. So I don't find any basis in my mind to argue
13 with their good faith belief they were faced with a danger.

14 Now, when they move over to the second area of responsi-
15 bility, here is where we have the problem, and I think it is
16 the whole purpose of this Committee, the Attorney General,
17 Mr. Kelley, all of us realizing we can't operate in these areas
18 where we feel responsibility but we don't have a mandate by
19 Congress. So in that area, this feeling of responsibility
20 I feel came from the fact that Presidents, as your staff said
21 yesterday, Presidents, Congressmen, the Attorney General, no
22 one really provided direction and guidance or instructions
23 don't do this. Do this, don't do that, or what are you doing
24 and how are you doing it.

25 For instance, there is some feeling on the part of some

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1 that our whole domestic intelligence operations were secret.
2 The COINTELPRO operation was. I mean, I think we all agree that
3 this was, to be effective, they felt it should be secret. But
4 back in our -- this is printed appropriation testimony which
5 went to the members of the Committee. It was mailed out to
6 newspapers, friends, anyone that was interested in it, back
7 in 1967 talking about Internal Security's operations, the New
8 Left movement, Young Socialist Alliance, Chicago trial, nationwide
9 demonstrations, student agitation, anti-war activities, the
10 Committee of Returned Volunteers, Communist Party, U.S.A.,
11 Progressive Party, Socialist Party, extremist organizations,
12 Black Panther Party. All of these items and statements about
13 extremists, white extremists and hate type groups, the Republic
14 of New Africa, Minutemen, our coverage of subversive organiza-
15 tions -- there are several groups, organizations and movements
16 which I discussed showed the wide coverage we must maintain
17 to follow on their activities and changing tactics, and in spite
18 of the proliferation of these organizations, our informant
19 coverage at all levels has been of great value and assistance,
20 enabling us to keep abreast of our investigative responsibilities.

21 This is the same way through all of our public appropriation
22 testimony. We have told the world we are investigating black
23 hate groups, New Left groups.

24 So, I merely mention this to try to put in the frame of
25 reference of these men feeling, they know we are investigating

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1 them. They didn't tell them, though, in sufficient detail other
2 than scantily before the Appropriations Committee what we were
3 doing to disrupt these activities, and my feeling is that the
4 men recognized the danger, they pointed out the danger to the
5 world. They said, we are investigating these organizations and
6 they felt then that the comfortable climate of leave it up to
7 the FBI, we should do something more. And that is what we are
8 looking for guidelines on, the Attorney General, Mr. Kelley,
9 you, that give us the guidelines under which we should operate.
10 Now, there are certain guidelines that we don't need to
11 be given, we shouldn't do this. We don't have such activities
12 today, programs designed to disrupt and neutralize in the
13 domestic intelligence field. But beyond that, we need guidelines
14 on what does the whole of Congress, representative of the people,
15 by passing of legislation say this is the FBI's role in
16 domestic intelligence.

17 Senator Tower. Mr. Chairman, my time has long since
18 expired.

19 I would like to note that I saw Mr. Kelley on the Today
20 Show this morning indicating strong support for a response to
21 Congressional oversight, and that is a healthy attitude.

22 The Chairman. Well, I think it must come because, as
23 you have really conceded, you shouldn't have ever had to have
24 had the guidelines that the Federal Government's chief law
25 enforcement agency ought not to disobey the law, and really,

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begin 3

1 you don't need explicit guidelines to tell you that, or you
2 shouldn't have.

3 Wouldn't you agree?

4 Mr. Adams. I would say that looking at it today, we should
5 have looked at it that way yesterday, but I do feel, I don't
6 have any doubt about the good faith of people recognizing the
7 danger, feeling they had a responsibility, no matter whose fault
8 it was, ours internally or because we weren't given the super-
9 vision we should have been given, and taking what they considered
10 to be appropriate action.

11 The Chairman. Senator Hart.

12 Senator Hart of Michigan. I should apologize both to
13 witnesses and my colleagues on the Committee for scrambling
14 around loosely, but in explanation to the witnesses, I have not
15 been able to give attention to the evolution of the files that
16 are now at hand until the last couple of days, and I am not
17 sure what is in the files for the public record, and what of
18 the materials I have been shown in the last couple of days since
19 I got back are still under seal. So just out of memory I am
20 going to summarize certain activities which have been acknowledged
21 that the Bureau undertook, but without being specific with respect
22 to location and names, and I do it for this reason. It is
23 right that the Committee and the press be worried about the
24 treatment of a Nobel Prize winner, Dr. King.

25 There are an awful lot of people who never got close to a

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1 Nobel Prize whose names are Jones and Smith, that my review
2 of the files show had violence done to their First Amendment
3 rights. And Nobel Prize winners will always get protection,
4 but Joe Potatoes doesn't, and this Committee should focus on
5 him, too.

6 Now, included in this COINTEL were activities like this,
7 anonymous letters, drafted by Bureau offices in the field, sent
8 to headquarters in Washington, approved, and then put in the
9 mail, intended to break up marriages, not of Dr. King but of
10 Mary and John Jones because one or the other was thought to be
11 a dissenter, might have dressed strangely or showed up at
12 meetings in company of others who dressed strangely; anonymous
13 letters to university officials and to the several newspapers
14 in that city to prevent university facilities from being made
15 available to a speaker of whom the Bureau disapproved, and it
16 was not a top flight, big name speaker. In that case, an
17 anonymous letter was sent to me making protest. Being an
18 anonymous letter, it never occurred to me that it came from the
19 Federal Bureau of Investigation.

20 The series of anonymous letters, one with the spelling
21 very poor, the grammar sloppy, and another more sophisticated,
22 protesting the employment by a city of a man alleging that he
23 was a Communist or came from a Communist family, and there are
24 loyal Americans out of work, what are you doing, Mayor. And
25 to the press, isn't this an outrage. And again the letter, the

1 anonymous letter sent to me saying what are you going to do about
2 this. There are loyal Democrats in this town who need work. And
3 in that case I happened to have known the man about whom the
4 protest was made, and the Bureau's facts were wrong as hell on
5 that man's loyalty. He was a loyal as you or I.

6 Now, yes or no, are those actions regarded now by the
7 Bureau as within bounds?

8 Mr. Adams. No, sir.

9 Senator Hart of Michigan. Why were they regarded as within
10 bounds when they were approved by the Bureau??

11 Mr. Adams. Well, I think even under the guidelines of
12 COINTELPRO, as established, the programs were not designed for
13 the purpose of harrassment of an individual. The memoranda
14 indicate they were designed to disrupt the organizations. Some
15 of the turn downs were turned down on this specific wording.
16 This is mere harrassment.

17 The rationale would have been -- and of course, here, I
18 say some of these you mentioned wouldn't even appear to me to
19 meet the criteria of the program and should have been disavowed,
20 even under the existence of the program. However, in the total
21 context of the program activities were to be directed towards
22 the organization itself, but we do not do that at the present
23 time.

24 Senator Hart of Michigan. Yes, but everything I have
25 summarized, rather poorly, was approved by the Bureau at the

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1 time by headquarters, not by the field office agents.

2 Mr. Adams. I do think that there were improper actions
3 taken under the program, even under the program as it existed.

4 Mr. Kelley has so stated his recognition of that fact. The
5 Attorney General certainly has. Yet the majority of the actions
6 taken, even the Department concluded were lawful and legal,
7 proper investigative activities, but the --

8 Senator Hart of Michigan. You see, my feeling is it isn't
9 a question of techniques that are bad. The concept of the
10 program seems to do violence to the First Amendment because
11 everything you did sought to silence someone or threaten
12 somebody to silence, or deny somebody a platform, or create an
13 atmosphere in which people were in fact afraid to assemble.

14 Now, sometimes law enforcement, legitimate law enforcement
15 has what we call this chilling effect, when it is legitimate
16 law enforcement. Oftentimes that chilling effect is a necessary
17 though regrettable side effect. But what I am talking about,
18 and what these files are full of are actions the only purpose
19 of which is to chill. It isn't in pursuit of any crime at all.
20 Indeed, when a court of general jurisdiction approved the use
21 of that university premise for the use of the speaker the
22 Bureau had stirred so much controversy with its anonymous
23 letters, when that judge wrote an order, after the sponsoring
24 group went to court, what was the Bureau's reaction from
25 headquarters? Investigate the judge.

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1 Now, that, you know, if --

2 Mr. Adams: I'm not familiar with that fact.

3 Senator Hart of Michigan. Well, neither was I until last
4 night.

5 Mr. Adams. The instruction was to investigate the judge?

6 Senator Hart of Michigan. This is the kind of stuff that
7 I came out of the hospital to find, and it is the sort of thing,
8 as I said yesterday, that my children have been telling me for
9 years you were busy doing, and I simply didn't believe them.
10 And they were right and I am wrong.

11 Mr. Adams. Well, there were about 3200 activities, and
12 about 2300 I believe or so were approved under the COINTELPRO,
13 and over 59 percent were addressed to the Communist Party. That
14 leaves 1000. And out of 1000, perhaps, I don't know what the
15 actual figure was of ones that just clearly stand out as
16 improper under the program, even as it existed at the
17 time, but I do feel that -- well, it is a very difficult area.

18 Senator Hart of Michigan. My time is up, too, I am sure,
19 but on this business of the Communist Party, if your theory
20 continues to be that any socially active group of citizens
21 who organize, whether Women's libbers or fight the bomb or
22 anything else, might be a target for infiltration by the
23 Communist Party and therefore you can move your agents in, that
24 means, almost not as an overstatement, that any and every citizen
25 activity could be made the target of the kind of business that

1 I have just described, because every individual is apt, during
2 his lifetime, to engage in violence. If that is justification,
3 then you are justified in running tails on everybody.

4 Mr. Adams. Well, that was not --

5 Senator Hart of Michigan. Everybody has got that privilege,
6 and that clearly is a police state concept.

7 Mr. Adams. That is not our criteria.

8 Senator Hart of Michigan. All right, but if the criteria
9 is three or four of us get together and we have a sort of
10 nutty idea, just the kind of thing the Communists would like to
11 exploit, and therefore you seek to justify shutting off the
12 forum for that group or to surveille it, the potential for
13 Communist intrusion, then, if that continues to be your theory,
14 then I say you are, you are going to pursue the same wretched
15 road that these files show you have been pursuing before. If
16 that is the predicate, the fact that a Soviet or Marxist or
17 Maoist Hottentot is liable to think there is an idea that we
18 can exploit, then you people are going to be spending how many
19 man hours, how many tax dollars doing the kind of things that
20 I summarized so briefly here.

21 That in my book is the 20th century version of what the
22 Founding Fathers intended to prevent when they wrote the First
23 Amendment.

24 What is the position of the Bureau when a Communist
25 may participate, associate with and promote an idea, this

1 justifies you trying to figure out if you can bust up a marriage
2 if two of the people are in the group?

3 Mr. Adams. It does not, and it is not our criteria, no
4 sir.

5 Senator Hart of Michigan. What does it justify?

6 Mr. Adams. It justifies our doing nothing in the way of
7 COINTELPRO activities. I still feel it has a justification,
8 that you agree with, to investigate the Communist Party. It is
9 when you get into the disruptive areas where the program goes
10 beyond investigation that we have no statutory authority.

11 Senator Hart of Michigan. Well, we have been emphasizing
12 COINTEL. Would it justify putting tails on the people?

13 Mr. Adams. What, just a --

14 Senator Hart of Michigan. Or putting an informant into
15 the group.

16 Mr. Adams. If it is a Communist group?

17 Senator Hart of Michigan. No, if it's me and somebody
18 else that thinks we oughtn't to have something that a majority
19 of people think we should. We organize and you people say,
20 well, there is something the Communists can take and run with.

21 Mr. Adams. No, sir.

22 Senator Hart of Michigan. Does that justify putting a
23 tail on them?

24 Mr. Adams. It does not, and we would not. Before we
25 would even open for a preliminary inquiry, we should have an

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1 indication that the Communist Party has attempted to infiltrate
2 or is infiltrating, in other words, where you have some evidence
3 of a subversive group, participating in the functions of that
4 organization, and there are grey areas here, in the spectrum
5 of anything where I am sure we have opened investigations where
6 we should not because there has been scant evidence of such
7 infiltration. And this is a supervisory problem. It is a
8 criteria problem. And it is also an oversight problem which
9 we are responding to.

10 Senator Hart of Michigan. My time is up and I haven't gotten
11 into some of the other material.

12 The Chairman. Well, Senator, you have not been with us --
13 Senator Hart of Michigan. No, no, I just --

14 The Chairman. If you want more time, you have a lot of time
15 stored up. If you want to use it now, you go right ahead.

16 Senator Hart of Michigan. Well let me ask the justification
17 for this sort of business.

18 I have been talking about the things I have seen in the files
19 that bear on direct, First Amendment denial, and again, this
20 does not deal with the treatment of a distinguished American.
21 Indeed, it involves groups that are generally viewed with very
22 sharp disapproval. The ground rules for the treatment should
23 be precisely the same, whether it is a good guy, a popular
24 guy, or a dirty and smelly guy.

25 What was the purpose of the Bureau in trying to stir up

1 strife -- perhaps I shouldn't say what was the purpose -- what
2 possible justification for the Bureau trying to sick the Black
3 Panthers on that outfit call the US out in California, or between
4 the Black Panthers and the Blackstone Rangers in Chicago? Was
5 it with the hope that by fomenting it they would kill each other
6 off?

7 Mr. Adams. Absolutely not, and I think the Committee
8 staff can inform you that during their review of all of these
9 matters they haven't come up with one instance of violence
10 resulting from any of these actions, and in that particular
11 case there was a communication in the same file which I believe
12 the staff had access to which showed that we did get information
13 that one of these groups was going to put out a contract on one
14 of the others, and we notified the police and the individuals
15 of the fact that their life was in danger.

16 None of our programs have contemplated violence, and
17 the instructions prohibited it, and the record of turndowns of
18 recommended actions in some instances specifically say that
19 we do not approve this action because if we take it it could
20 result in harm to the individual.....

21 So I think this is one charge -- and the staff did not
22 make such a charge, I might add, when they presented the picture --
23 but I think any inference that we were trying to result in
24 violence is wrong.

25 Senator Hart of Michigan. Let me explain for the record

1 why I reached the conclusion I did..

2 Mr. Adams. The wording of that memorandum --

3 Senator Hart of Michigan. And why I continue to hold to
4 that conclusion.

5 On January 30th, 1969, the Bureau headquarters in Washington
6 approved sending an anonymous letter to the leader of the
7 Blackstone Rangers, Jeff Forky, which indicated that the Black
8 Panthers had put a contract out on his life as a result of
9 conflicts between the two organizations. Now, you say that was
10 to warn him.

11 I ask, wasn't the principal purpose of the letter to
12 encourage the Rangers to shoot some or all of the leadership
13 of the Panthers? Otherwise, what does this quote mean, and I
14 will read it. It is from a memorandum from the Chicago office
15 of the Bureau asking approval to undertake this. Here is the
16 way it reads: "It is believed that the above" this anonymous
17 tip that a contract is out on you, "It is believed that the
18 above may intensify the degree of animosity between the two
19 groups and occasion Forky to take retaliatory actions which
20 could disrupt the BPP, the Black Panthers, or lead to
21 reprisals against its leadership. Consideration has been
22 given to a similar letter to the Panthers alleging a Ranger
23 plot against Panther leadership. However, it is not felt that
24 this will be productive, principally because the Panthers at
25 present is not believed as violence prone as the Rangers,

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1 to whom violent type activity, shooting and the like, is second
2 nature."

3 Now, how can you reach any conclusion other than a purpose
4 was to generate the kind of friction that would induce the
5 killing --

6 Mr. Adams. Well, if that purpose was for that rather than
7 generating factionalism, disagreements, disrupting it, it would
8 be contrary to the communication I referred to in the other
9 file, the Black Panthers versus Ellis, where we notified the
10 police of the contract, we notified the individuals of the
11 contract and took every action at our command to prevent
12 direct violence, and also the fact that the files showed that
13 we turned down these situations where violence was involved.

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1 Senator Hart of Michigan. Well, we have differing
2 views with respect to motives and the purpose of the Panther
3 situation in Chicago. I still do not understand why the
4 Panthers and this US group in California we sought to be set
5 as they were but finally, and again, I don't know whether it
6 is in the record, open or not, for what purpose other than to
7 occasion violence moved the Bureau to approve of forged
8 signatures of Communist Party personnel to letters addressed
9 to Mafia-owned businesses attacking the employment practices
10 of the Mafia-owned business?

11 Why would a Bureau, why would the Bureau think there was
12 any value to be served in concocting a forged letter?

13 Let us assume Phil Hart is a local communist in this
14 city. The Bureau forges Phil Hart's name to a racket-owned
15 business, notorious for using muscle, protesting that fellow's
16 business practices.

17 Now certainly it was not intended to improve the
18 employment practices.

19 Mr. Adams. I think if the full communication were
20 available, it did show a purpose unrelated to violence. I
21 don't recall the exact wording now, but I think it was to
22 create a lack of support or something like that.

23 This was part of that Hoodwink program, I believe, that
24 was one of four actions that were involved in Hoodwink, and
25 I think there have been some public descriptions of that.

1 program that indicate that it was not the greatest thing
2 coming down the pike.

3 Senator Hart of Michigan. Well, that is the sort of
4 thing I found that persuaded me to say very openly that I do
5 not buy the idea that the American people ultimately are
6 responsible for that kind of nonsense because I am certain
7 that virtually every family in the country would have screamed
8 in protest no much how much they disliked Dr. King or the
9 Panthers or the Communists.

10 Mr. Adams. Sir --

11 Senator Hart of Michigan. If they had known that tax
12 money and Federal personnel were busy, busy, busy around
13 the country, notwithstanding bank robberies that were going
14 on at the same time, pounding out that kind of correspondence
15 and inciting that kind of conflict and curbing speech.

16 Thank you, Mr. Chairman.

17 The Chairman. Thank you very much, Senator Hart.

18 Senator Mondale is next.

19 Senator Mondale. Mr. Adams, I realize that you were
20 not a part of this particular event, but being an old,
21 experienced FBI hand, I wonder if you could help us understand
22 the psychology that led to this kind of memorandum.

23 Mr. Adams. I feel it coming, but go ahead.

24 Senator Mondale. This is a memorandum to the Director.
25 It has been referred to before, which calls for removing

1 King from his pedestal and replacing him by someone else,
2 dated January 8th, 1964, which memo was written a week
3 following the time that King was named man of the year by
4 Time magazine.

5 This memo, as you know, received the following comment
6 from Mr. Hoover. "I am glad to see that light, though it
7 has been delayed, has come to the Domestic Intelligence
8 Division," and so on.

9 I would just quote part of the language and maybe you
10 can help us understand the psychology that led to it.

11 The first part of the memo says: "We have got to remove
12 King from his pedestal." Then it says, "the negroes will be
13 left without a national leader of sufficiently compelling
14 personality to steer it in a proper direction. This is
15 what could happen but need not happen if the right kind of
16 national negro leader could at this time be gradually developed
17 so as to overthrow Dr. King and be in the position to assume
18 the role of leadership of the negro people when King has
19 been completely discredited.

20 "For some months I have been thinking about this matter.
21 One day I had an opportunity to explore this from a philosophical
22 and sociological standpoint with X" -- the name of the
23 leader -- "whom I have known for some years. As I previously
24 reported, he is a very able fellow and one on whom I can
25 rely. I asked him to give the matter some attention, and if

1 he knew any negro of outstanding intelligence or ability, let
2 me know and we would have a discussion.

3 "He has submitted to me the name of the above-named
4 person.- Enclosed with this memorandum is an outline of
5 X's biography, which is truly remarkable. In scanning this
6 biography, it will be seen that X does have all of the
7 qualifications of the kind of a negro I have in mind to
8 advance to positions of national leadership."

9 And skipping: "I want to make it clear at once that
10 I don't propose that the FBI in any way become involved
11 openly as the sponsor of a negro leader to overshadow Martin
12 Luther King. If this thing can be set up properly without
13 the Bureau in any way becoming directly involved, I think
14 it would be not only a great help to the FBI, but would be
15 a fine thing for the country at large.

16 "While I'm not specifying at this moment, there are
17 various ways in which the FBI could give this entire matter
18 the proper direction and development. There are highly placed
19 contacts at the FBI who it might be very helpful to further
20 such a step. This can be discussed at a later date when
21 I have probed more fully into the possibilities and this
22 recommendation is that approval be given for me to explore
23 the whole matter as set forth above," and to that Mr. Hoover
24 says, "I'm glad to see the light has finally come. I have
25 struggled for months to get over the fact that the communists

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1 were taking over the racial movements but our experts here
2 couldn't or wouldn't see it."

3 Now I think you testified earlier that you do not accept
4 this as proper FBI activity, but can you help us understand
5 how at one point in American history someone thought it was
6 proper, apparently including the Director?

7 Mr. Adams. I would have to say for one thing that this
8 gets into the real motive of the discrediting of Martin Luther
9 King, which I don't feel can be fully explored. I think that
10 the people most directly involved in that are not available.
11 because I don't know from my experience what they had in
12 mind in this regard.

13 I have no doubt from this memorandum and other memorandum
14 that the two individuals involved felt very strongly that
15 Martin Luther King was a threat to the success of the negro
16 movement and that steps should be taken to get him out of
17 that -- what the reason for it was or the motivation, I am
18 just not in a position to say.

19 I do say it is improper to inject yourself into that
20 type of activity, but I don't know what the real motive was.

21 Senator Mondale. Now Dr. King was investigated, as I
22 think you earlier testified, because of fears of communist
23 influence upon him?

24 Mr. Adams. Yes.

25 Senator Mondale. Is that a proper basis for investigating

1 Dr. King or anyone else?

2 Mr. Adams. It is where you have information indicating
3 that the Communist Party is and has made efforts to try
4 to influence an individual.

5 I would say that that would normally be considered
6 within the current criteria.

7 Senator Mondale. You would consider that to be a
8 valid purpose for investigating today?

9 Mr. Adams. Excuse me, what?

10 Senator Mondale. You would consider that to be a
11 valid basis for investigating today?

12 Mr. Adams. The movement itself, but not the individual.

13 Senator Mondale. How do you investigate a movement
14 without investigating individuals?

15 Mr. Adams. You do get into a gray area. The main thing
16 would be if we had an organization today that we saw the
17 Communist Party gravitating to, trying to work in positions
18 of leadership, we would be interested in opening an investigation
19 on Communist infiltration of that organization to see if
20 it was affecting it.

21 Senator Mondale. All right, now let's go back
22 specifically.

23 I gather there never was any question raised about
24 whether Dr. King was a Communist. That was never charged.

25 Mr. Adams. Not as a Communist Party member, no, sir.

1 Senator Mondale. That's right. Or that he was about to
2 or had committed acts of violence?

3 Mr. Adams. No.

4 Senator Mondale. But the reason for investigating him
5 apparently was that he was subject to Communist influence.

6 Now what makes that a justified reason for investigating
7 him? Is it a crime to be approached by someone who is a
8 Communist?

9 Mr. Adams. No.

10 Senator Mondale. What is the legal basis for that
11 investigation?

12 Mr. Adams. The basis would be the Communist influence
13 on him and the effect it would have on the organization. It
14 would be in connection with our basic investigation of the
15 Communist Party.

16 Senator Mondale. Well, as I understand the law to
17 read, it is not a crime to be a member of a Communist Party.

18 Mr. Adams. That is correct.

19 Senator Mondale. How can it be a crime to know someone
20 who is a member of the Communist Party?

21 Mr. Adams. It is not.

22 Senator Mondale. How do you investigate something as
23 tenuous as that? What is the basis for it legally?

24 Mr. Adams. Well, it falls into the area of, one, the
25 intelligence jurisdiction of the activities of the Communist

1 Party to have a situation where an individual in an organization,
2 a leader of an organization, efforts are being made to
3 influence him and to achieve control over the organization,
4 and it is part of the overall investigation of the Party
5 trying to exert this influence as to are they successful,
6 are they taking over the black movement or the civil rights
7 movement.

8 It is just like we tried to make clear in investigations
9 that were more prevalent years ago but still occur on the
10 Communist influence in labor unions. We tried to tell every-
11 body we interview we are not interested in labor matters. We
12 are not trying to inquire into that. We are interested in
13 the effect of the Communist Party on this union.

14 Senator Mondale. Mr. Adams, I am trying to get at the
15 legal basis in this particular case in investigating Dr.
16 King on the grounds that he might be subject to Communist
17 influence.

18 Can you cite any legal basis for that or is it based
19 entirely upon a generalized authority thought to exist in
20 the FBI to investigate "internal security matters"?

21 Mr. Adams. It would fall also in the Presidential
22 directives of investigating subversive activities.

23 Senator Mondale. And then the question would return
24 to what authority the President had.

25 Mr. Adams. That's right.

1 Senator Mondale. Now Dr. King was investigated among
2 other things for matters of, I think you call it delicacy.

3 Would that be a basis for investigating an American
4 citizen by the FBI?

5 Mr. Adams. No. -

6 Senator Mondale. Would you say then that those
7 investigations were improper?

8 Mr. Adams. -I don't believe that there is an allegation
9 that we investigated him for that. I think there were
10 certain by-products of information that developed and I think
11 at a point you had a situation where the tail was wagging
12 the dog, perhaps, but I don't see any basis for such investi-
13 gation. And I find it very difficult to get into a discussion
14 of this in view of the prohibitions that I think --

15 Senator Mondale. You answered my question. That for
16 itself would not be a basis for investigation.

17 Mr. Adams. No, sir.

18 Senator Mondale. Would you agree with me, Mr. Adams,
19 that this whole vague, generalized area of the assignment
20 that the FBI has been tasked, which they thought they possessed
21 or could use to investigate Americans, not where there were
22 allegations of crime or suspicion that crimes were about to
23 be committed, or that violence was about to be committed,
24 but rather this whole generalized area, to investigate
25 Americans in terms of ideas that they have or might be persuaded

1 to have that might hold potential for danger to this country
2 is an exceedingly vague, difficult, if not impossible to
3 define area and an area which has got the FBI into an awful
4 lot of trouble, including today's hearings.

5 Mr. Adams. Yes, sir.

6 Senator Mondale. And because of that there is a very
7 important need to sit down and redefine it, have the guidelines
8 known specifically by all so that the FBI can know precisely
9 what it can do and what it cannot do.

10 Mr. Adams. I think this is why the country is fortunate
11 in this particular time to have an Attorney General who is
12 a legal scholar and a lawyer of unquestioned repute who
13 has indicated a willingness to address these problems, which
14 as the staff has determined, was not always the case over
15 the years. But we have an Attorney General, we have a
16 Director, who has offered his complete cooperation, just as
17 he has to the Committee in this inquiry, that we are not
18 trying to avoid embarrassment. The only thing we are trying
19 to hold back are identities of informants and sensitive,
20 ongoing operations that we have, a concern on the part of
21 Congress that not only recognizes there have been abuses,
22 but recognizes that there still always has to be some degree
23 of flexibility.

24 We are going to have situations where you have a
25 Weatherman working for the water works, and in college he was

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1 a scientific student, and he makes a comment to a fellow
2 employee that there is going to be some spectacular event
3 that is going to bring the attention of the world on this
4 city.

5 Senator Mondale. Wouldn't you have probable cause then
6 to investigate the commission of a crime?

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1 Mr. Adams. We might have to investigate, but to disrupt,
2 we have the authority to tell the supervisor of the waterworks,
3 you had better get him out of there before the city water is
4 poisoned and 100,000 people die, and I think the Committee is
5 going to find the same problems we do in coping with that
6 situation, and even the Attorney General in his speech in Ottawa
7 pointed out that there is still possibly a necessity for some
8 flexibility to take appropriate action under extreme conditions.
9 But it should be controlled. It is like Mr. Kelley says, go
10 to the Attorney General, explore the legal issues, lay the
11 problem up there. It should not be handled internally in the
12 FBI.

13 Senator Mondale. But do you also agree that the Congress
14 ought to redefine the rules legislatively?

15 Mr. Adams. Yes, because the problem I have with it is
16 we talk about oversight, and Mr. Kelley and the Attorney General
17 and I believe this Committee agree that we should have joint
18 oversight which would avoid the proliferation of hearings
19 and the sensitive knowledge among many people which always
20 poses that inadvertent leak of information. But yet even with
21 oversight, under the plan you discussed yesterday, or some of
22 the observations that were discussed yesterday, having people,
23 conservative, liberal, black, and the other qualifications you
24 put in, can a Committee speak for the will of Congress? At
25 one time we had Congressmen making speeches all over the

1 country, if we don't stop these bombings, if somebody doesn't
2 do something about it this country is in trouble. Is that the
3 will of Congress?

4 Until it is embodied in legislation where the whole will
5 of Congress is expressed, we are going to have problems.

6 Senator Mondale. I am glad to hear that, because there is
7 a way Congress speaks. It is not through the buddy system or
8 a person. It speaks through the law.

9 Mr. Adams. That's right.

10 Senator Mondale. And now we have for the first time this
11 whole issue, it is not denied by the FBI. The elements are
12 known. What I hear you saying is you would like the Congress
13 now to define and redefine specifically and carefully what it
14 is we expect the FBI to do, and what it is we wish the FBI and
15 will prohibit the FBI from doing.

16 Mr. Adams. Right. What is our role in society?

17 After World War II, if you'll remember, a Congressional
18 Committee met and raised all sorts of storm over the fact that
19 there was not enough in the way of intelligence investigations.
20 Never again should it happen in the United States that we be
21 caught with our pants down.

22 After the Kennedy assassination, if you recall, the FBI
23 was properly criticized for having too restrictive dissemination
24 policies in connection with Secret Service because they depend
25 upon us for the intelligence necessary to provide protection.

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1 for the President against extremist groups.. We did that but
2 just before the recent incidents in California there was going
3 to be Committee concern, not this Committee, over has there
4 been too much dissemination.

5 So the FBI is in the position of at different times in our
6 history being damned for doing too much and damned for doing
7 too little. And it is because of reacting to what we try to
8 judge is what they want us to do, and this is what we are not
9 in a position to do. We need the will of Congress expressed in
10 some definitive measure, yet providing the latitude, because as
11 you have seen from these problems, there are many that there is
12 no black and white answer to. There have to be occasions
13 where when you are confronted with an extreme emergency, someone
14 can act, and I don't think you or anyone else wants to tie the
15 hands of law enforcement when today we have over 10 million
16 serious crimes in the United States.. We have 1 million crimes
17 a year involving violence, and there has to be a capability to
18 react. But we need to know in better terms what is our role
19 in this, especially in domestic intelligence.

20 .. Senator Mondale. Thank you, Mr. Chairman.

21 Senator Tower (presiding). Senator Schweiker.

22 Senator Schweiker. Thank you, Mr. Chairman.

23 Mr. Adams, in 1966 a letter written by the Bureau to
24 Marvin Watson, Special Assistant to the President at the White
25 House, and the gist of this letter was, in reference to his

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1 request, and I want to make it clear it was his request, not
2 the Bureau's, authors of books that were critical of the Warren
3 Commission Report, the assassination of President Kennedy, were
4 requested to file any pertinent personal data information,
5 dossiers, etc., on seven individuals whose names I will not
6 discuss.

7 Do you have any knowledge as to why the White House requested
8 this kind of material on the Warren Commission critics?

9 Mr. Adams. I don't recall. I am familiar with the material.
10 I did review it some time ago when we were testifying before
11 the House Committee in February, but I don't recall that I saw
12 in there any specific motivation on the part of the White House
13 group requesting this information.

14 Senator Schweiker. Now, in the same letter it also says
15 a copy of this communication has not been sent to the Acting
16 Attorney General.

17 Mr. Adams. Yes.

18 Senator Schweiker. Number one, is that a normal procedure
19 when you get requests of this kind that the Acting Attorney
20 General is bypassed, and why was the Attorney General bypassed
21 in this instance?

22 Mr. Adams. This is not a normal procedure. It is not
23 the procedure followed today. There was a period of time where,
24 at the President's directions, Mr. Hoover reported more
25 directly to him in certain areas, and it was apparently a

1 feeling that he did not want the Attorney General to know certain
2 things.

3 Senator Schweiker. One of the dossiers specifically in-
4 cluded photographs of sexual activities.

5 Mr. Adams. Yes, sir.

6 Senator Schweiker. And my question is, how is that relevant
7 to being a critic of the Warren Commission?

8 What standard do we use when we just pass photographs of
9 sexual activities to the White House? Is this a normal -- again,
10 is this a normal proceeding when a dossier is requested? Is this
11 included, or did they specifically request photographs of this
12 kind, or what light can you shed on this?

13 Mr. Adams. I can't shed much. I know they requested
14 information on him. I think there was other material concerning
15 that individual of a security nature that was included. Why
16 the information in that respect was submitted I am unable to
17 answer.

18 I do know at the time there was a lot of concern following
19 the Warren Commission Report, had all the answers been explored,
20 was the Soviet Union involved, was Cuba involved, and who were
21 the critics who now are attacking this. But I have seen
22 nothing which would explain the rationale for requesting the
23 material.

24 Senator Schweiker. I think what concerns us on the Committee
25 is that whenever you get to the nitty gritty of investigations,

1 and it doesn't have to relate to the Warren Commission, I will
2 leave that alone, or to some activity we are involved in, we
3 get back to something like that, where a photograph or a tape
4 recording or some letter referring to some kind of human weakness
5 or failing that is really very irrelevant to the investigation
6 is sandwiched in here, and it just seems to me that it was a
7 tactic -- this just happens to be the Warren Commission I
8 singled out -- but it was a tactic that was used rather
9 frequently as a lever or for some reason which I am trying to
10 find out as an instrument of investigative policy.

11 Would you differ with that or dispute that, or again,
12 what rationale? Do we use sexual activities as a standard
13 criterion for investigations?

14 Mr. Adams. We do not use sexual activities as a criterion,
15 but during the course of our investigation -- we did have an
16 investigation on that individual at one time -- and during
17 the course of the investigation, in checking the records of a
18 local police department or a district attorney's office, they
19 had conducted an investigation for a criminal act involving these
20 photographs, and they made that available to us.

21 So it went into our files.

22 Now, the request of the President, he is the Chief
23 Executive of the United States. He in effect has custody of
24 everything. There are problems involved when the man who is
25 in charge of everything requests information. I would like

1 to add, however, that following the cleansing effect of Watergate
2 that I don't know of any such requests coming over to the FBI
3 anymore.

4 There is a direct line between the Attorney General and
5 the Director, and the Director certainly recognizes that in a
6 case of extreme disagreement he would have the alternative to
7 tell the Attorney General, I need to go directly to the President,
8 or feel I should, but we do not have this line of communication
9 at the present time.

10 Senator Schweiker. Well, it seems to me if they had just
11 listed the other investigation and listed what was alleged
12 in the other investigation, that certainly would have sufficed
13 for whatever purpose it would have. But it seems to me when
14 you in fact enclose living photographs, you are really getting
15 very much, to my way of thinking, towards attempting to
16 discredit their critics. What other purpose would a photograph
17 have of this nature other than to discredit critics because
18 they will not quarrel with listing whatever was charged in
19 another state. That may well have been included. I cannot
20 argue that.

21 Mr. Adams. I can't answer that.

22 Senator Schweiker. One area that I think this gets to
23 which we really touched on in the assassination probe quite a
24 bit, Mr. Adams, is where the Bureau stops when they get some
25 of these requests, in other words, what kind of criteria, if

1 any. You touched on it a moment ago. The President asked for
2 something. I don't know in this case whether the President
3 asked to see photographs of this nature or didn't ask, but the
4 point is, nobody said no and he got them.

5 So the question is, where do you see the Bureau's responsi-
6 bility here, and what can this Committee do to ensure that
7 there is some kind of a test that we either put in the law
8 or that the FBI invokes, or that we invoke on the White House
9 in using police power in this way?

10 Mr. Adams. I don't think Congress can ever fill the
11 responsibility of trying to draw up guidelines, even in conjunc-
12 tion with the Executive Branch, to guarantee that all abuses
13 won't take place. The organization is made up of human beings,
14 and these things occur.

15 Certain corrective actions are self-initiated, such as
16 this. The President, for instance, you know we had an incident
17 a few years ago about investigating a newsman, where we were
18 requested, and if I recall from our information, we thought he
19 was being considered for an appointed position which would have
20 been a logical basis. As facts turned out, that was not the
21 purpose that the information was requested.

22 To stem or stop abuses like that, the President, the
23 current Administration has issued instructions that any requests
24 for investigations under the special inquiry or White House
25 investigation such as for appointment must clear through the

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1 office of his counsel, in other words, not let the lower line
2 people come over and say we need this information or we need
3 this request. They come through the office of Phil Buchen
4 through an employee that is assigned to that office with
5 responsibility.

6 Now, we do still make certain name check requests for the
7 White House, and those, too, have to clear through his office.
8 So we do have that. Then we have the responsibility, if we
9 get something which on its face appears political or improper,
10 then our responsibility under that would be to go to the
11 Attorney General and ask him to intercede by finding out is
12 this a proper request on the Bureau. And I can assure you that
13 as Mr. Kelley has testified and has made it perfectly clear
14 that he has not had any such improper requests and he would
15 go right to the Attorney General if it was necessary. Otherwise
16 he would reject the request.

17 Senator Schweiker. What steps are we taking, under your
18 jurisdiction comes whatever internal investigation unit the
19 FBI has. I just wondered very briefly, because I know my
20 time is very limited, we have a vote on, what steps are you
21 taking to make sure that we catch some of these things in the
22 present that maybe we either overlooked or did not catch or
23 somehow got sidetracked in the past?

24 Mr. Adams. We have been working with the Attorney General
25 and his staff. It started even when Attorney General Saxbe

1 was there, to look at all of our procedures, all of our
2 investigative operations: are they proper, do they fit
3 criteria, do we have a legal basis for them, and we have guide-
4 lines, committees which have been established in the Department
5 that meet every day on questions of what is even an overwhelming
6 problem of collection and maintenance of information. What
7 do we get, why do we get it, what should we do with it.

8 I feel there is a very active program going on in that
9 regard, and I feel certain that it will continue to make sure
10 that we are aware of everything and take appropriate action.

11 -- Senator Schweiker. I wonder if you might share some of
12 these with the staff so that we can have an advantage of taking
13 a look at those, too. I am glad to see this being made.

14 Mr. Adams. I would have to secure the approval of the
15 Attorney General on the guidelines. He did tell the House
16 Committee which originally raised the question on maintenance of
17 information, that once we get something and they are nearing
18 completion in the Department, that he does intend to take it
19 up with Congress. So I am sure there would be no problem at
20 that point in bringing it to this Committee as well.

21 Senator Schweiker. Because it seems to me this is where
22 the problems in the past have arisen, in not having clearly
23 defined or maybe if you measure it -- you can measure it in
24 terms of today's standards versus standards of before, but I
25 think this is the crux of it.

1 Mr. Adams. That is true.

2 Senator Schweiker. That's all I have, Mr. Chairman.

3 Senator Tower. Mr. Adams, what use does the Bureau presently
4 make of its intelligence informants, and have they ever been
5 used as provocateurs or as magnets for action?

6 Mr. Adams. No, sir.

7 Well, you asked two questions.

8 Senator Tower. Yes.

9 Mr. Adams. Let me take the last one first, provocateurs.

10 Our policy has not -- or our policy has been to discourage any
11 activities which in any way might involve an informant doing
12 something that an agent cannot do, which would be in the area
13 of being a provocateur, which basically is entrapment. And
14 we have had some allegations of entrapment come up. We feel
15 we have satisfactorily answered them. This is a very technical
16 legal field which boils down, of course, to the fact that if a
17 person is willing to do something, and the government merely
18 provides the opportunity, that is not legally entrapment. So
19 if a person comes to us and says I have been asked to participate
20 in a breakin of a Federal building, I would like to help you,
21 then the law basically would indicate we have the authority
22 to continue to let him operate.

23 The question comes up if he assumes the whole direction
24 and causes people to do something which they would not otherwise
25 have done. That is the entrapment issue. So we are very alert

1 to this. We have instructions, clear guidelines, instructions
2 to our field offices that they are not to use an informant for
3 anything that an agent cannot legally do. I don't say there
4 haven't been some mistakes in that regard, but I don't know of
5 any at the present time.

6 Senator Tower. Senator Huddleston?

7 Senator Huddleston. Thank you, Mr. Chairman.

8 First I think to keep this activity in proper perspective
9 it might be well to remember that even though a great deal of
10 the testimony and the questioning has been relating to the
11 question of Dr. King, that this is by no means an isolated
12 situation. Dr. King's case is indeed a classic example utilizing
13 all of the various techniques of the Bureau in both intelligence-
14 gathering an action against an individual in order to dis-
15 credit him or embarrass him, or indeed destroy him.

16 But the record is replete, and indeed, here is an entire
17 sheaf of similar targets who are certainly not as well known.
18 Some of them are high school students, some of them are
19 high school teachers, college students, college teachers,
20 broadcasters and journalists, people whose names would be almost
21 totally unfamiliar to the vast majority of Americans. So the
22 activity was not confined to those that are immediately
23 recognizable who were indeed public figures.

24 I want to just proceed along the question of informants
25 that Senator Tower just raised for just a moment or two.

1 You say that your informants are not expected to do anything
2 that an agent himself could not do, but in the gathering of the
3 information for which you are securing him in the first place,
4 do you have any safeguard at all, or any rule as to how he
5 proceeds in order to gather the information you are looking
6 for?

7 Mr. Adams. Only that he proceed through legal means.

8 Senator Huddleston. Is that specifically stated to him
9 when he is employed?

10 Mr. Adams. Yes, sir.

11 Senator Huddleston. Are most informers paid on the
12 basis of a regular fee or regular salary, or are they paid
13 on the basis of the information they gather?

14 Mr. Adams. Even those who are paid on what you could say
15 a salary, that salary is determined on a COD basis as to the
16 value of the information furnished. In other words, in the
17 criminal case, for instance, you could have a person come in and
18 give you the identity of three individuals who just robbed a
19 bank. You might pay him a lump sum amount, and never go back
20 to him.

21 In the security field where informants do finally manage
22 to work into a revolutionary type organization, their
23 continued activities in our behalf do set up more of a program
24 for payment.

25 Senator Huddleston. Do you check on occasion on the basis

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1 of information that may be supplied to you if it happens to be
2 of a sensational nature or of a surprising nature, do you ever
3 question the informer on how he obtained it?

4 Mr. Adams. I am sure this takes place. In any handling
5 of an informant over a sustained period of time, you do have a
6 rapport which they don't just come in and say Joe Blow said
7 this, Joe Blow did that. There is a conversation that goes
8 through which I feel certain would, if something looked like,
9 if it looked like he had something that came from some improper
10 source, I think the agent would say where did you get this.

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1 Senator Huddleston. If you found it had been taken
2 improperly or if some improper action had been taken, would
3 it be put in the files?

4 Mr. Adams. If he violated the law, we would have an
5 open investigation if it were within our jurisdiction.

6 Senator Huddleston. Now the Bureau disseminates this
7 information on individuals that is collected in various
8 ways in the various other agencies.

9 How many other agencies can request, for instance, an
10 individual check that would result in your supplying to him
11 information from these personal intelligence files?

12 Mr. Adams. Every agent in the Federal Government under
13 the employee security program there is an obligation on the
14 part of every government agency to check with the FBI doing
15 name check search of our files to see if there is any subversive
16 derogatory information which might militate against appointing
17 that individual to a Federal position.

18 Senator Huddleston. Do you take any precautions as to
19 how they will use that information once it is supplied to
20 them by your agents?

21 Mr. Adams. All we do is indicate to them on the
22 report that it is the property of the FBI and is not to be
23 disseminated outside their agency.

24 Senator Huddleston. You have no way of knowing whether
25 or not indeed it is?

1 Mr. Adams. No, sir, we do not.

2 -- Senator Huddleston. What internal precautions do you
3 have against the Bureau itself misusing information that it
4 gains from other agencies?

5 Mr. Adams. Strong prohibitions. One, we don't allow
6 access to files except on a need-to-know basis. Any employee
7 of the FBI knows that if he improperly divulges information
8 or leaks information out of the files, he will be subject
9 to administrative action.

10 We had a case where an agent obtained an identification
11 record and made it out improperly, and I think that agent
12 was separated from the roles. But we had asked for, and of
13 course we share in CIA's request to this extent, is that there
14 be a criminal penalty attached to misuse of information and
15 leaking it or making it available outside of an agency.

16 This is another issue before Congress.

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24 Did this in fact happen to your knowledge?

25 Mr. Adams. I am not familiar with that case. I can

1 easily say it would not be proper.

2 Senator Huddleston. But you don't know whether it
3 happened or whether the act was carried out?

4 Mr. Adams. I do not know.

5 Senator Huddleston. Mr. Adams, getting on to another
6 subject, one of the techniques used very frequently by the
7 Bureau in its attempt to discredit individuals was to
8 utilize the press. It was customary to send anonymous letters
9 on many occasions to editors, broadcasters, commentators and
10 columnists around the country containing information or
11 suggesting information about an individual that the Bureau
12 wanted to discredit in some way.

13 There was also some evidence that the Bureau utilized
14 within the press itself on a regular contact basis certain
15 columnists or broadcasters for the purpose of disseminating
16 information that the FBI wanted to get out about individuals.

17 How extensive was this custom utilized?

18 Mr. Adams. I don't believe it was very extensive.
19 In fact, I think there were probably very few incidents where
20 untrue information was put out.

21 That is my recollection.

22 On disseminating public source information there were
23 a number of instances of that which is still proper to date
24 under guidelines. I just don't know of many instances where
25 untrue information was used, and I do not know of too many

instances overall where that was done.

Senator Huddleston. Do you know of any instances or how many actual journalists or practitioners or regular disseminators of FBI information?

Mr. Adams. I don't know of any today that are in that regard. I know there have been situations where, and people still do. They come to us and say, we would like to do an article on organized crime. Can you be of assistance?

And if we can be of assistance within the guidelines established by the Attorney General, we do assist. We have a pull and a tug over privacy acts and freedom of information and also the need to know, but we try to satisfy.

Senator Huddleston. Do you know of any at the present time or in the past who have been paid by the FBI for their services?

Mr. Adams. Not personally. I don't know of any.

Senator Huddleston. Not personally. Do you know of any evidence that indicates that?

Mr. Adams. That's what I mean. I don't have any evidence that indicates that.

Senator Huddleston. I think it would be helpful to our inquiry if we could review or you would review the files and make a determination as to whether or not that might be the case, that the FBI has paid journalists who are amenable to disseminating information supplied by the FBI.

1 Mr. Adams. I am told we have. I don't know what files
2 we have reviewed, but we have reviewed them and we haven't
3 found any.

4 Senator Huddleston. You haven't found any.

5 What is the mass media program of the FBI?

6 Mr. Adams. To try to get the truth out, to get a proper
7 picture of the FBI's jurisdiction, its activities.

8 Senator Huddleston. Is it also to suppress other
9 publications or other commentators or journalists who might
10 be disseminating other views?

11 Mr. Adams. No.

12 Senator Huddleston. Did the FBI not take some action
13 against a number of newspapers, most of them student newspapers
14 that they felt should be suppressed?

15 Mr. Adams. We may have in the past. I don't recall
16 any specific case.

17 You are talking about some of the Weatherman support
18 papers or Black Panther paper. I don't know of any in that
19 regard, but I'm not saying that such action was not taken.

20 Senator Huddleston. Are you familiar with the special
21 correspondence list?

22 Mr. Adams. Yes.

23 Senator Huddleston. What is this list?

24 Mr. Adams. My recollection is that the special
25 correspondence list was a list of individuals that had requested

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1 from time to time various Bureau publications and were kept
2 on a continuing list and mailed such communications to them.

3 Senator Huddleston. It was a list that was considered
4 to be friendly towards the FBI view?

5 Mr. Adams. Yes. I would say anyone on that list would
6 normally be friendly.

7 Senator Huddleston. Do you have knowledge of a number
8 of instances in which the Bureau carrying out its COINTEL
9 program utilized the existing press in order to attempt to
10 discredit some individual?

11 Mr. Adams. I don't have an idea of the number, but I
12 don't think there were very many.

13 Senator Huddleston. Do you have a list of the instances
14 in which the Bureau attempted to discredit other publications?

15 Mr. Adams. No, I don't know.

16 Senator Huddleston. Do you know that they did occur?

17 Mr. Adams. I can ask. I get a no as far as any knowledge
18 in that regard.

19 Senator Huddleston. As far as knowledge.

20 Mr. Adams. That means knowledge of what we have come
21 up with in our current review, I would assume.

22 Senator Huddleston. It seems to me that this is an
23 area in which we are particularly troubled and should be. If
24 there is any right that is specifically called for in our
25 Constitution and has been upheld and reaffirmed in court decision

1 after court decision, it is the right to publish in this
2 country. The First Amendment speaks not only of freedom of
3 speech, but also freedom of the press. And yet it seems that
4 we have a pattern here of the chief law enforcement agency
5 of the country attempting to suppress that very right.

6 Mr. Adams. I haven't seen -- I think any effort to
7 manipulate the press of this country, I just don't see any
8 possibility in that regard and I don't see the logic of
9 anyone even attempting such.

10 Senator Huddleston. But it did happen.

11 Mr. Adams. It may have happened in --

12 Senator Huddleston. In a rather extensive field.

13 Mr. Adams. I disagree with that rather extensive field.
14 I just don't know the extent that you are talking to here.

15 Senator Huddleston. We are talking about the cases where --

16 Mr. Adams. Are you lumping in cases where we disseminated
17 public source information? Are you lumping in a case where
18 we may have gone to a --

19 Senator Huddleston. I think disseminating public source
20 information is somewhat different from furnishing a TV
21 commentator with derogatory information about a specific
22 individual who has been targeted as one that apparently the
23 Bureau thinks is dangerous or his ideas ought to be suppressed.

24 Mr. Adams. Is that manipulating the press, though?
25 Here you have a situation where an individual is going around

1 the country advocating off-the-pig or kill-the-police or
2 something like that. And a newspaper man was furnished, say
3 some background information on him which would have been in
4 the area of public source material which he could use in an
5 article.

6 Are we really, if the information is true, the final
7 decision, it would seem to me, would be the newspaperman as
8 to whether he would use any such information.

9 I think if we concealed our motives from the newspaper
10 man, or furnished false information, which I think we did in
11 one anonymous letter or something that I saw in all of this,
12 I would say that was improper.

13 Senator Huddleston. Or --

14 Mr. Adams. I think newsmen have sources. I think --

15 Senator Huddleston. Or convincing a cartoonist, for
16 instance, to draw a derogatory cartoon about a college
17 professor who certainly did not constitute a threat to the
18 violent overthrow of the government.

19 Mr. Adams. If anyone accuses us of having any great
20 success in trying to influence the press, I think that their
21 objectivity stands pretty high.

22 Senator Huddleston. I think the point is whether there
23 was success or not, there was an effort made. I'm glad to
24 hear you acknowledge now that it is almost an impossibility.

25 But more than that it seems to me at the beginning when

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1 these type of techniques were used, it seemed to indicate a
2 lack of confidence or faith in the American people to believe
3 that they could not hear ideas that might be contrary to their
4 own without being seriously damaged.

5 One of the great freedoms we have is the freedom of
6 hearing other ideas whether we agree with them or not. I
7 think this is an area that we are concerned with and one
8 technique which I hope is being discontinued and one that will
9 be by the time these hearings conclude and by the time proper
10 legislation is drawn.

11 Mr. Adams. Well, I think you can be assured that any
12 such techniques in that area died with COINTELPRO in 1971.

13 Senator Huddleston. That is comforting.

14 Mr. Adams. Yes.

15 The Chairman (presiding). Thank you, Senator.

16 I have been forced in and out by virtue of votes and other
17 Committee business. I am not sure which Senators have had
18 their opportunity to question and which have not.

19 Senator Goldwater, were you next?

20 Senator Goldwater. I will not take much time. I
21 apologize for not having been here in the last two days. It
22 is going good, I have heard.

23 We have heard testimony regarding the voluminous records,
24 I believe 500,000, maintained by the Bureau.

25 How in your view have these records come to be kept?

1 For what purpose have they been kept and has the Bureau ever
2 undertaken to destroy or prune down any of these records?

3 Mr. Adams. We have a number of records. We are
4 a business-like organization. We record our activities. And
5 as the staff knows, they had access to a lot of recorded
6 material that is the product of what the FBI has done over
7 the years.

8 When we conduct an investigation, we maintain the
9 results. We do have destruction procedures where after the
10 passage of certain time limits approved by the Archives
11 authority, we are allowed to destroy certain files. Other
12 information we are required to put on microfilm. There is
13 a regular standard procedure for the destruction of FBI
14 files. This has been suspended, of course, during the
15 initiation of these hearings and our files probably have
16 increased considerably during this period because we are not
17 allowed to destroy anything since the Committee commenced
18 its hearings.

19 But we do have procedures for destroying these that
20 are approved by the Archives, and a problem inherent in that
21 is maintaining information, what should we keep, what should
22 we obtain during an investigation, what should we record?

23 In the past we have been pretty consistent in recording
24 everything we thought was relevant to the investigation. The
25 passage of the Privacy Act put certain restrictions in. We

1 cannot collect or maintain anything unless it is relevant to
2 an ongoing matter of which we have investigative jurisdiction.

3 But beyond even the Privacy Act, the Attorney General
4 instituted a guidelines committee in this area that we have
5 been meeting diligently with every day and hopefully have
6 tried to avoid this idea that we are for no good reason
7 maintaining a gossip, scandal, and unnecessary, irrelevant
8 material.

9 So once these guidelines are in some sort of final
10 form, not to be adopted, then the Attorney General has
11 indicated that he is going to take it up with the various
12 Congressional committees to get their input into it, after
13 which they will be published.

14 Senator Goldwater. Well, now these dossiers, I think
15 you can call them that probably.

16 Mr. Adams. I prefer not to, but I accept the fact that
17 that is how they are referred to.

18 Senator Goldwater. What do you call them?

19 Mr. Adams. I call them files. To me, I guess we all
20 have our little hang-ups, but to me that is usually used in
21 some sinister connotation. It is probably not to you. But
22 I will use whatever terminology you want to use on this.

23 Senator Goldwater. I hope what you have on me is not
24 called a dossier.

25 Mr. Adams. No, sir, it's a collection of material.

12

1 (General laughter)

2 Mr. Adams. Of which you are aware.

3 Senator Goldwater. That's right.

4 Now let me ask you, the information you have would
5 probably be on computer tape?

6 Mr. Adams. No, sir.

7 Senator Goldwater. It's not. Information that IRS
8 would have, is that computerized?

9 Mr. Adams. It may be. I'm not familiar with the extent
10 of theirs. We do have certain computer activities, such as
11 the National Crime Information Center, or we have, I guess,
12 7 or 8 million records. This is not the usual file material.
13 This is, it consists of individuals concerning whom a
14 warrant is outstanding, stolen property, material such as
15 this. And also some documented criminal history information
16 in the nature of prior arrest history. But not what I think
17 you are referring to in the way of file material, reports,
18 intelligence, this type of information.

19
20
21 IRS [JFK Law 11(a)]
22
23

24 Mr. Adams. No, sir.

25 Senator Goldwater. There's no such list that you know

1 off?

2 Mr. Adams. I don't know what other agencies have, but
3 the FBI does not have such a list, does not have such a
4 capability to interface with such a list if such a list
5 exists.

6 Senator Goldwater. Do you feel rather safe in saying
7 then that no agency of government has put together such a
8 computerized total of all the information on the people that
9 you have surveilled?

10 Mr. Adams. Oh, I think it is safe to say I don't know
11 of any. Today I am not saying what does exist or doesn't
12 exist elsewhere.

13 Senator Goldwater. In addition to the 500,000 records
14 that you have, would I be correct in saying that you have
15 50 million data cards and that there's \$82 million spent on
16 intelligence in the Fiscal year 1975 in maintaining this
17 library?

18 Mr. Adams. No, I don't think that is correct. I think
19 the figure of \$82 million is what our budget people have
20 drawn up as being the total cost in a given year of our
21 intelligence operations, security, criminal, organized crime,
22 the whole intelligence field. But I don't relate it to the
23 maintenance of any data cards.

24 Senator Goldwater. Now one other area, and I think it
25 probably, according to the records, it does go back to '70.

1 How did the Bureau come to place the so-called women's
2 lib movement under surveillance, and I say so-called because
3 I think we discovered that there was no such organized movement.

4 Mr. Adams. There were a lot of movements. It is my
5 recollection -- I have not reviewed the file in detail, but
6 it is my recollection that the case was originally opened
7 because of indications that certain groups were attempting
8 to infiltrate or control the women's liberation movement.

9 The investigation was conducted and was terminated several
10 years ago, as far as I know.

11 Senator Goldwater. Do you know of any actions that were
12 taken by the Bureau as to the women's liberation movement
13 except to monitor it?

14 Mr. Adams. No. And the monitoring was for the purpose
15 of determining the infiltration, and I don't know of any
16 actions taken against them.

17 Senator Goldwater. That's all I have, Mr. Chairman.
18 Thank you.

19 The Chairman. Thank you, Senator Goldwater.

20 Senator Hart, have you had an opportunity to question?

21 Senator Hart of Colorado. No, I have not.

22 The Chairman. Senator Hart.

23 Senator Hart of Colorado. Thank you, Mr. Chairman.

24 In the testimony yesterday developed by the staff concerning
25 the last few days of Martin Luther King's life, we learned

1 that the Bureau in March of 1968 developed information to
2 be given to the press criticizing Dr. King for staying in
3 a white-owned and operated hotel, the Holiday Inn in Memphis,
4 instead of the Lorraine.

5 At some point during Dr. King's stay in Memphis, he
6 moved from the Holiday Inn to Lorraine.

7 To your knowledge, Mr. Adams, was that information ever
8 given to the press?

9 Mr. Adams. I have been unable to determine that. This
10 question was raised of me by the Civil Rights Division of the
11 Department. Apparently, they had had some inquiry along
12 the same lines several months ago. But my recollection of it
13 at the time, we saw that this action had been proposed and
14 the memorandum bore the initials, I believe it was the
15 initials, statement handled, and the initials of the agent
16 in the External Affairs Division who assumed the responsibility
17 of saying handle it and initiated it.

18 They contacted him and he said that he had no recollection
19 of the matter but the fact that he did say handled didn't
20 mean that he was able to do anything with it. He was just
21 clearing that memorandum so it would show action was taken,
22 and he doesn't know if he gave it to anyone or not.

23 Senator Hart of Colorado. Well, suffice it to say that
24 the facts are that subsequent to the time the Bureau developed
25 this information to pass on to the press, it did appear in the

1 local papers in Memphis.

2 Mr. Adams. There was some statement in the local papers,
3 not according to the terminology of the proposed statement that
4 was to be given to him. There was some comment made, if I
5 recall, that Martin Luther King gave a press conference
6 following the riots that followed one of his appearances,
7 and that he gave that press conference in a hotel, the Holiday
8 Inn Hotel. But it didn't have any, at least the newspaper
9 article itself didn't have any direct relation to acts taken.

10 Senator Hart of Colorado. Well, according to some
11 historians and people who have commented on the circumstances,
12 they were fairly explicit in stating that the local press
13 was critical of him during that period for staying in the
14 white hotel, but I don't want to make a big issue out of
15 that.

16 What was the name of the agent that you talked to?

17 Mr. Adams. I didn't talk to him personally. People in
18 the Bureau that were working on this did and I believe his
19 name was Linbaugh, L-i-n-b-a-u-g-h.

20 Senator Hart of Colorado. If you could provide that
21 name to us, I would appreciate it.

22 Mr. Adams. I would be glad to.

23 Senator Hart of Colorado. Mr. Adams, was any effort
24 made during this entire COINTELPRO period to objectively
25 define what the New Left meant? What was your understanding

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of the New Left?

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1 Mr. Adams. They did have a definition of the New Left
2 distinguishing it from the Old Left. It was primarily to dis-
3 tinguish it from the, in the area that the New Left was trying
4 to separate itself from the old hidebound policies of the
5 Communist Party or some of its links to the Communist Party.

6 Perhaps Mr. Wannall has a better definition of that.

7 Senator Hart of Colorado. It very definitely included those
8 who were opposed to the war, organized groups that opposed the
9 war and felt strongly about racial injustice in this country,
10 leaving the Communist Party aside.

11 Mr. Adams. People involved in the New Left movement were,
12 of course, also involved in the Vietnam, anti-Vietnam was
13 effort.

14 Senator Hart of Colorado. What do you mean also?

15 That's what I'm trying to get out. What was the New
16 Left? If you didn't oppose the war and you weren't involved in
17 civil rights groups, who else might you have been?

18 Mr. Adams. Well, the New Left was a -- did involve a
19 revolutionary philosophy. It wasn't related solely to the
20 anti-Vietnam effort.

21 Senator Hart of Colorado. Thomas Jefferson embodied a
22 revolutionary philosophy.

23 Mr. Adams. That's right. And the New Left activity
24 exceeded Thomas Jefferson's philosophy in that it did fit in
25 with the basic Communist philosophy.

1 Senator Hart of Colorado. Every group that was placed under
2 the efforts of the COINTELPRO supported the violent overthrow
3 of this country?

4 Mr. Adams. The concept of COINTELPRO was directed toward
5 those organizations. I would have to refresh my memory on each
6 one of the organizations that were targets of it, but they were
7 basically New Left, Communist Party, Socialist Workers Party,
8 New Left, black extremists, white hate groups, those were the
9 five basics.

10 Senator Hart of Colorado. The Southern Christian Leader-
11 ship Conference?

12 Mr. Adams. The Southern Christian Leadership Conference,
13 I don't know if it was involved specifically in COINTELPRO.

14 Three minor actions were taken against the Southern
15 Christian Leadership Conference.

16 Senator Hart of Colorado. Well, its leader, I think you
17 could say, for eight years was subject to a lot more than three
18 minor actions.

19 Mr. Adams. That's right, and that gets into the other
20 area that the activities taken against him were primarily
21 COINTELPRO type activities but weren't really under the control
22 of --

23 Senator Hart of Colorado. You're saying that basically
24 every organization and individual that was swept into the
25 net of the five COINTELPRO nets supported the violent overthrow

1 of this country?

2 Mr. Adams. Well, not just the violent overthrow of the
3 government. It would have been organizations that were threaten-
4 ing and fomenting violence. I don't believe it had to be
5 related to the actual overthrow of the government.

6 Senator Hart of Colorado. Is a street demonstration
7 violent?

8 Mr. Adams. It depends on where you are in relation to
9 what is taking place. If there are a lot of activities in
10 connection with street demonstrations that are not violent,
11 and there are a lot of street demonstrations that have reported
12 in deaths, so it just depends on activity taking place and
13 the circumstances.

14 Our problem is we are given the responsibility by the
15 Attorney General to monitor demonstrations which have the
16 potential of violence. The question is, how do you find out,
17 at what point do you get in and monitor demonstrations to deter-
18 mine if that has a potential violence?

19 Senator Hart of Colorado. Well, obviously what we're
20 told was here is, we have received testimony to the effect
21 that the FBI went out of its way to foment violence itself,
22 to encourage disruptions internally, to encourage hostilities
23 and conflict between and among these groups in the hope that
24 violence would occur, and therefore you could, say, go back to
25 the Director or the press or whomever and say look, this is

1 a violent group.

2 Mr. Adams. I accept the allegation but I don't accept the
3 fact, the conclusion that, from what I have seen in reviewing
4 these files in connection with our investigations, we don't
5 foment violence. We don't permit as a matter of policy our
6 informants to act as provocateurs to engage in violence. I am
7 not denying it may have happened, but the FBI does not foment
8 violence, and the FBI, you know, has no --

9 Senator Hart of Colorado. You are using present tense
10 verbs. I think --

11 Mr. Adams. We didn't then. I don't agree that our actions
12 in any event were designed to foment violence.

13 Senator Hart of Colorado. I think there is plenty of
14 documentation of the attempt to set the Black Panthers against
15 the Blackstone Rangers in Chicago.

16 Mr. Adams. Well, I don't consider that plenty of evidence.
17 I think the evidence to the contrary is that one of the
18 organizations, when we got word that the Black Panther versus
19 US, we notified the local police that this activity was going
20 to take place, and the individual, so that we would prevent
21 the killing which had come to our attention was going to take
22 place, and then the turndowns of various COINTELPRO actions,
23 there were specific statements made, that will not be
24 approved because it might result in harm to an individual,
25 physical harm, and we have no indication from any of these

1 actions under COINTELPRO that any violent act occurred, and I
2 have not been presented with any by the staff from their far
3 more extensive inquiry.

4 Senator Hart of Colorado. June 3rd, 1968, a memorandum
5 from the Special Agent in Charge of Cincinatti to the Director
6 of the FBI, the title of which is Counterintelligence Program,
7 Disruption of the New Left, a five page memorandum having to
8 do with Antioch College in Ohio. It is a long description of
9 the college and background. There is a recommendation on page
10 3, Cincinatti recommends that counterintelligence action be
11 taken to expose the pseudo-intellectual image of Antioch, and it
12 gives specific ways of doing that, and then the next page,
13 page 4, the desired result of action, force Antioch to
14 defend itself as an educational institution.

15 Where in the laws of this country or the charter of the
16 Federal Bureau of Investigation does it say that that Agency
17 should be forcing any educational institution to defend itself?

18 Mr. Adams. I know of none.

19 Senator Hart of Colorado. You would say this is stepping
20 beyond the bounds of your authority?

21 Mr. Adams. I would say -- I'm not familiar with the total
22 action of what was there, but just on the surface I don't see
23 any basis for it.

24 Senator Hart of Colorado. It is my understanding that
25 participating field officers of the counterintelligence, the

1 COINTELPRO activities were required to send in status letters
2 and report in annual results.

3 Is that correct?

4 Mr. Adams. Yes.

5 Senator Hart of Colorado. What kind of results generally
6 were you looking for? What was considered success?

7 Mr. Adams. Well, it would be considered success, like
8 in one instance where an action was taken to create factionalism
9 in the highest level of the Communist Party, and the results
10 were that we were advised that the Communist Party influence
11 declined appreciably as a direct result of factionalism created
12 at that level. That to us was a concrete result.

13 We had other results where, well, you get in various
14 degrees. That is an extremely favorable degree. We had others,
15 I think one was alluded to yesterday or today where a letter
16 went on setting up a marital strife on the part of someone.
17 I don't see any basis or justification for that. I think that
18 is the other extreme. I think in the middle there were ones
19 that fell into a different degree.

20 The only thing that I feel is we had 3000 actions
21 recommended. The Bureau -- just like this Antioch one. I
22 don't know if the document shows whether that was approved or
23 not. I doubt that it was approved.

24 Senator Hart of Colorado. I believe it was. We can
25 document that.

1 Mr. Adams. Okay. Because there would be one. I would
2 say the judgment in approving that is in question. But out
3 of 3000 recommended, the fact that 2000 approved shows that
4 there was some concern to try to keep these to a proper level,
5 and I think the actual number of grossly improper activities
6 fortunately is rather small. I think there are a lot in there.

7 Well, the whole program, we feel, should have been dis-
8 continued, and we don't have a program like it now, and we
9 wouldn't institute a program like it now.

10 Senator Hart of Colorado. It would be helpful to us if
11 now or in the future you could recommend what steps we should
12 take, both as the Committee and this Congress, to make sure
13 that doesn't happen, aside from just the assurances we are being
14 given here.

15 Mr. Adams. Well, the main recommendation I make is that
16 we don't wind up on the point we have been on in the past
17 years that one time in our history Congress is saying we ought
18 to be doing something to stop violence in the streets, murders,
19 blowing up of buildings, and at another time they are saying
20 you shouldn't have done what you did, and that we make a
21 mistake when we react and try to identify one area and say that
22 is the voice of the people. What we need is a legislative
23 mandate which is the will of Congress in order to tell us what
24 our role should be in this area. I think that is the main
25 thing that would come out of all of these, I hope, some more

1 definitive guideline where we all know what the will of the
2 people is as expressed by Congress.

3 Senator Hart of Colorado. I believe my time is up.

4 Senator Tower (presiding). Mr. Adams, to return to the
5 business of informants which I initiated and was interrupted
6 by a vote, who selects an informant?

7 Mr. Adams. The basic responsibility is on our special
8 agent personnel who develop informants, the agent on the street.

9 Senator Tower. Does the Special Agent in Charge in a given
10 area have control over the activities of an informant or a veto
11 on the use of a particular informant?

12 Mr. Adams. Not only the Special Agent in Charge, but FBI
13 headquarters. We maintain the tightest possible control of the
14 utilization of informants. We require Bureau approval to utilize
15 a person as an informant.

16 Senator Tower. The Special Agent in Charge has the power
17 to veto the use of an informant?

18 Mr. Adams. Yes, sir.

19 Senator Tower. Does headquarters know who all the
20 informants are?

21 Mr. Adams. Absolutely. We do not allow hip pocket
22 informants. We require --

23 Senator Tower. You don't have the agents informed by their
24 own special informants?

25 Mr. Adams. Absolutely not.

1 Senator Tower. Are the criteria different for paid and
2 for non-paid informers?

3 Mr. Adams. We have some informants over the years that have
4 refused to accept payment, but generally the criteria for
5 both, I mean for ones that are paid is that it must be on a
6 COD basis, evaluated as to the value of the information.

7 Senator Tower. What protections are afforded to
8 informants?

9 Mr. Adams. Protections afforded them individually?

10 Senator Tower. Yes.

11 Mr. Adams. The greatest protection in the world we can
12 afford them is to maintain the confidential relationship which
13 they have adopted with the FBI, and the fact that those citizens
14 of the United States who, for whatever reason, decide to
15 cooperate with the FBI and cooperate with their government
16 in criminal and the security field, have that confidentiality
17 maintained, and beyond that confidentiality we are unable to
18 afford them any protection, any physical protection. We have
19 had informants murdered through disclosure. We have had them
20 subjected to other violence and criminal activities, and the
21 only protection beyond maintaining the confidentiality is once
22 we have used them or had to expose them for some purpose, we
23 do have procedures for relocation and maintenance of them which
24 is utilized quite frequently in the top hoodlum and the Cosa
25 Nostra type investigations.

1 Senator Tower.. It is my understanding now that 83 percent
2 of all cases involve some use of informants, so that means that
3 the use is pretty widespread and apparently very essential.

4 What kind of guidance does the FBI give to these informants
5 to give them any special training? Could you describe that kind
6 of relationship in terms of guidelines, control, authority,
7 what have you?

8 Mr. Adams. Well, when an individual is being developed
9 as an informant, our main concern is whether he provides
10 reliable information and that the information he collects is
11 collected by legal means. We don't permit an informant to
12 engage in any activity that an agent couldn't do legally
13 himself. In other words, you can't have an extension of the
14 agent out here engaging in illegal acts, and the agent saying
15 I abide by the law. This creates some problems, of course,
16 in the criminal field where you don't recruit informants from
17 Sunday schools. You recruit informants in areas where they do
18 have knowledge of criminal activities. But we even had to
19 open investigations and prosecute some of our informants, be-
20 cause we do not bend from this, that they are not going to
21 enjoy favorite status as a result of their relationship with
22 us.. So the agent covers all of this with an informant during
23 the discussions..

24 We secure background information on the informants. We
25 do this to ensure, as best as possible, we are dealing with a

1 reliable, stable individual even though he may be engaged in
2 an unstable activity, and we go through this period and consider
3 them more or less, in different terminology, probationary,
4 potential, verifying information that he furnishes us, and
5 everytime when they report on the status of an informant, they
6 have to tell us what percentage of his information has been
7 verified by other means, by other informants or sources.

8 So we do have a continuing indoctrination which is
9 supervised at FBI headquarters.

10 Senator Tower. You said you don't recruit your informants
11 from Sunday school class. Being an ex-Sunday school teacher, I
12 resent that, but --

13 Mr. Adams. I am talking in the criminal field. Many of
14 our security informants come from a very fine background.

15 Senator Tower. But this leads me into this. Sometimes,
16 then, you might recruit people that you know have committed
17 criminal acts.

18 Mr. Adams. That's true.

19 Senator Tower. Do you promise him immunity from future
20 prosecution in many instances to secure their cooperation?

21 Mr. Adams. No. Now, the only exception to that would be
22 we may have an ongoing, it is what you call an informant -- I
23 believe your question is addressed to someone that we are
24 actually considering in an informant status.

25 Senator Tower. Yes.

1 Mr. Adams. We do have situations where during an investi-
2 gation we target on one individual, the lower rung, and the
3 United States Attorney and the Department offer immunity. We
4 don't. And say, you cooperate, and we go up the ladder to the
5 next level, and in some of these cases we have gone up through
6 successive stages until we get the main honcho who we feel is
7 the proper target of our investigation.

8 Senator Tower. Getting on another subject, does the
9 FBI still request bank audits?

10 Mr. Adams. Bank audits? Do you mean do we still have
11 access to bank records?

12 Senator Tower. Yes.

13 Mr. Adams. Yes, sir, we do.

14 Senator Tower. And do you obtain access with or without
15 warrants?

16 Mr. Adams. We obtain access without warrants.

17 Senator Tower. Without warrants?

18 Mr. Adams. Yes, sir.

19 Senator Tower. Is the subject notified in advance by the
20 FBI when you obtain one without a warrant?

21 Mr. Adams. No, sir.

22 Senator Tower. Are they notified by the bank, or is he
23 notified subsequently by the FBI?

24 Mr. Adams. No. We do get subpoenas in many cases, not
25 warrants, but we do get subpoenas in many cases, but in some

1 cases a bank will make available to us records without subpoena.
2 When it comes time for utilizing that information we do issue
3 a subpoena for the information.

4 Senator Tower. Do you have legal authority to gain
5 access to these records?

6 Mr. Adams. Yes, sir, we do.

7 Senator Tower. Without a subpoena, without a court
8 document?

9 Mr. Adams. There is no law that I know of that forbids
10 us access. There have been several court decisions, including
11 some circuit courts that disagree with each other, but I think
12 the current finding is that the bank records are the records
13 of the bank and this does not violate any First Amendment or
14 other Amendments in connection with it.

15 Senator Tower. Do you make similar requests of S&Ls and
16 other, and credit unions and other financial institutions?

17 Mr. Adams. I would assume the same would provide there.

18 The Chairman (presiding). Thank you, Senator Tower.

19 I just have a question or two. We are going to try to
20 conclude this morning because the Committee has a hearing, a
21 business meeting at 2:00 o'clock this afternoon and for the
22 information of the members, that meeting will take place in
23 room 3110 of the Dirksen Senate Office Building.

24 And while I am making announcements, I think I should say
25 that tomorrow between the hours of 9:00 o'clock in the morning

end 8

begin 9

1 and 1:00 o'clock in the afternoon, the Committee will report
2 its findings and make its recommendations to the Senate in
3 connection with our investigation into alleged involvement of
4 the United States in certain assassination plots, and attempts
5 directed against foreign leaders.

6 The Committee, as you know, has made an exhaustive investi-
7 gation of this issue. It has taken some six months; 75 witnesses
8 have been interrogated, over 8000 pages of testimony have been
9 taken, mountains of documents have been analyzed and digested,
10 and the report will be a detailed accounting to the American
11 people of that evidence, together with the findings and
12 recommendations of the Committee.

13 Initially these disclosures will be made to the Senate in
14 secret session, after which the Committee has previously voted
15 to make the report public. Therefore, it is anticipated that
16 at 2:30 tomorrow afternoon in this room, the caucus room,
17 following that secret session of the Senate, the Committee will
18 meet with the press for the purpose of answering such
19 questions as the press may wish to address to the Committee on
20 the assassination report.

21 Now, the last few questions I would like to put to you,
22 Mr. Adams, have to do with some confusion in my mind concerning
23 the purpose of the FBI in monitoring the Women's Liberation
24 movement, what was that? What was that surveillance done for?
25 Why were you involved in monitoring that movement?

1 Mr. Adams. It was basically, as I recall, I have not
2 reviewed the files, but from the information that I have
3 acquired, it would indicate there were groups that were believed
4 to be infiltrating and attempting to exert control over it. That
5 investigation was based_or_initiated on this fact.

6 The Chairman. But you never found, did you, that the
7 Women's Liberation movement was seriously infiltrated, influenced
8 or controlled by Communists.

9 Mr. Adams. No, and the case was closed. I would put them
10 in the position of comments we have made earlier about the
11 press, that I don't think anyone is going to dominate or control.
12 That is a very independent group.

13 The Chairman. Well, we are trying to keep the country that
14 way.

15 Mr. Adams. That's right.

16 The Chairman. And the kind of thing that disturbs me
17 is what the documents reveal. For example, if you will turn --
18 you have the document book there with you. If you will turn
19 to Tab 5, 5-4, can you find that? Can you move your thumb
20 through the pages to 5-4?

21 Have you found that? It's in the upper right hand
22 corner, 5-4, under Tab 5.

23 Mr. Adams. Yes.

24 The Chairman. Then, if you will turn back beyond that,
25 one, two, three, four pages where you find under the caption

1 Origin, Aims, and Purposes, a description of the Women's
2 Liberation movement in Baltimore, Maryland.

3 Now, I call your attention to this because it seems to me
4 to typify the whole problem of this generalized kind of
5 surveillance over activities of American citizens. Here is
6 the report, if you will read with me this paragraph, the
7 report on the group reads as follows: "The Women's Liberation
8 movement in Baltimore, Maryland began during the summer of
9 1968. There was no structure or a parent organization. There
10 were no rules or plans to go by. It started out as a group
11 therapy session with young women who were either lonely or
12 confined to the home with small children, getting together to
13 talk out their problems. Along with this they wanted a
14 purpose and that was to be free women from the humdrum
15 existence of being only a wife and mother. They wanted
16 equal opportunities that men have in work and in society. They
17 wanted their husbands to share in the housework and in rearing
18 their children. They also wanted to go out and work in whatever
19 kind of jobs they wanted, and not to be discriminated against
20 as women."

21 Now, can you find anything in that report that in any way
22 suggests that these women were engaged in improper or unlawful
23 activity?

24 Mr. Adams. Not in that one. I believe there was another
25 report, though, giving the origin of it, which went into a

1 little more description of what our basic interest was.

2 The Chairman. Can you tell me, because this is the report
3 I have --

4 Mr. Adams. Well, I am given here --

5 The Chairman. What other, if there was some sinister
6 activity connected with this group that isn't laid out in the
7 document --

8 Mr. Adams. I was given a work paper here which reads,
9 "Women's Liberation Movement. Investigation of captioned
10 movement was initiated by our New York Office in April 1969
11 as the Women's Libber movement was described as a loosely
12 structured women's movement comprised of individuals with
13 varying ideologies from liberal to New Left persuasion, some
14 of whom had exhibited an affiliation with and/or sympathy
15 for several organizations of investigative interest to this
16 Bureau, namely, the Students for a Democratic Society, Black
17 Panther Party, the Vietnam Peace Parade Committee, Venceremos
18 Brigade, the Socialist Workers Party, with its youth group
19 the Young Socialist Alliance."

20 The Chairman. May I stop you at this point?

21 Mr. Adams. Yes.

22 The Chairman. You are reading from a paper which has to
23 do with the origination of an investigation coming out of
24 New York, are you not?

25 Mr. Adams. Yes.

1 The Chairman. I am reading from a document that relates
2 to the Women's Liberation Movement in Baltimore, and the findings
3 concerning it in the summer of 1968. My question hasn't to do
4 with whatever original purpose the FBI sought by initiating
5 this kind of surveillance in New York, but with a finding
6 made concerning the Women's Liberation movement in Baltimore
7 which I have just read to you, and I think you would agree with
8 me that women do have the right to get together to talk about
9 humdrum existence and equal opportunities with men and equal
10 opportunities for work in our society, don't they? That is
11 not a subversive activity.

12 Mr. Adams. Well, but what you have here is the setup of
13 our investigative activity. We had New York, which was the
14 office of origin of the investigation. You have other offices
15 that were checking to determine what influence there was.
16 In addition, in New York, to the New York office, lay the fact
17 that interwoven with the Women's Liberation movement goal for
18 equal rights for women, there was an advocacy certainly of
19 militancy and violence in achieving their goals.

20 Now, Baltimore is one office, and I believe that even
21 there in one of the reports --

22 The Chairman. You keep taking me back to New York.

23 Mr. Adams. Right.

24 The Chairman. And I keep taking you back to Baltimore.

25 And the reason I do that is because if you turn two pages.

1 back from this particular report, which has to do with the
2 Baltimore organization, the question is whether based upon that
3 finding the investigation should continue of the Baltimore
4 group, and the decision is that you will continue to follow
5 and report on the activities of the group.

6 And I just wondered why --

7 Mr. Adams. This is a problem that we have, that we do
8 have organizations where sometimes the -- the Women's Liberation
9 group is not a good example because that was washed out, but
10 we do have organizations where --

11 The Chairman. What was washed out? Not the Women's
12 Liberation movement?

13 Mr. Adams. No, the investigation indicated there was
14 no concern or no reason to be concerned about it.

15 But where you do have an organization that has branches
16 in many areas of the country, and you start with one place and
17 it looks like you have a subversive organization, you do have
18 to see, well, is this carried out throughout the organization
19 or is it just one chapter or one group? In other words, not
20 even an organizational problem.

21 The Chairman. But you see, in this -- the trouble with
22 that is in this Baltimore organization you say in your own
23 report that it was independent, there was no structure or
24 a parent organization, no rules or plans, so it isn't a part
25 of a national controlled and directed organization called by

1 your own admission --

2 Mr. Adams. I believe this report had some subsequent
3 pages that aren't included in here that did show some additional
4 activity or influence.

5 The Chairman. I am told by the staff that this summary is
6 accurate, and the only other thing contained was that these
7 women had affiliations with an organization that had protested
8 the war in Baltimore.

9 Mr. Adams. I think there were some other items.

10 The Chairman. That is the only other association that
11 we have been able to determine.

12 Now, in a case of this kind, do you still carry -- you say
13 this has been closed. Apparently the Women's Liberation move-
14 ment is no longer under suspicion by the FBI and the case has
15 been closed. What happens when the case is closed? Are those
16 women's names still left in the files?

17 Are they forever more contained?

18 Mr. Adams. Yes.

19 The Chairman. In the system? Yes. There is no -- yes.

20 Mr. Adams. Yes.

21 The Chairman. Pretty soon you will have us all in the
22 system.

23 I mean, if there is no way, even after surveillance has
24 been terminated to terminate the references of individuals
25 through the files of the system, you will one day have us all,

1 won't you?

2 Mr. Adams. Well, I would say as part of a normal business
3 record, when we do make a judgment that an organization should
4 be investigated and we investigate it, and then we find activities
5 but we make a conclusion that there is no additional problem
6 here, this is a record of our official action. Now, if we
7 destroy it, at what point do we get into a situation of being
8 accused of doing things and then destroying things to keep from
9 showing what we do?

10 The critical thing on this is whether we are able, and we
11 do set up safeguards, where information in our files is not
12 misused at a later date, and that is what these guideline
13 committees are all about.

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1 The Chairman. Do you have any idea of how many names of
2 Americans you keep in your files all as a result of the
3 cumulative effect of all of these surveillances in all of
4 these cases?

5 Mr. Adams. No, I don't.

6 The Chairman. It's in the millions, isn't it?

7 Mr. Adams. We have 6 1/2 million files.

8 The Chairman. You have 6 1/2 million files?

9 Mr. Adams. Yes, sir.

10 The Chairman. And there are surely names of more than
11 one person typically in a file, aren't they?

12 Mr. Adams. But it is a rather large country.

13 The Chairman. That's a large number of files to start
14 with, and if you have multiple names in them, you are quickly
15 up in to the, you know, 20, 30, 40 million.

16 Mr. Adams. Right. But many of these files are
17 applicant files. They are not all subversive files. They are
18 not all criminal files. We have a million crimes of violence
19 each year.

20 There is a million people.

21 The Chairman. Sure, and I wish you had more time to
22 spend on those crimes of violence.

23 Mr. Adams. I do too.

24 The Chairman. There we agree.

25 Mr. Adams. Right.

1 The Chairman. What I worry about is this. You say there's
2 no way to know when to close a file. These were surveillance
3 files, or originally opened up to determine whether organizations
4 might have subversive connections.

5 There are names in these files, so some demagogue comes
6 along and says against some public figure that his name is
7 contained in a certain file to be found in the subversive
8 files of the FBI and there it is. He has not made a misstatement
9 at all. But to the American people that man's name and
10 reputation has been scarred.

11 Mr. Adams. And I hope this Committee recognizes that
12 and recommends legislation that would enforce strong punitive
13 or criminal violations against misuse of information in the
14 files. We feel this way, CIA feels this way. We recognize
15 we have a lot of sensitive information in it. We fire our
16 employees if we find them misusing information. We feel
17 we need additional sanctions in this area.

18 I don't think we can ever stop the accumulation of
19 information. I don't know an investigative agency in the
20 world, a law enforcement agency, that does not have to
21 accumulate information. And we are working on guidelines
22 as to how to get rid of the irrelevant information, how to
23 eliminate material that really does not need to be kept,
24 that we hope we will be able to come to Congress with these
25 guidelines before too long, which will help address itself

1 to just some of these problems.

2 The Chairman. Well, you may be assured that the
3 Committee shares your objective in this regard and we will
4 be working with you and the Department of Justice and others
5 to try and change the laws to give a greater measure of
6 protection to the First Amendment rights of the American people.

7 I have no further questions. Are there any other
8 questions.

9 Senator Mondale?

10 Senator Mondale. Mr. Adams, earlier, in inquiring about
11 the basis for investigating Dr. King, I thought I heard two
12 basic justifications. One, suspicion and fear of Communist
13 influence or infiltration. And secondly, "that he constituted
14 a threat to the success of the Negro movement."

15 Did I understand that second basis?

16 Mr. Adams. No. The first I was talking about was not
17 suspicion but information indicating Communist influence.
18 The second was on this question of motivation that you raised,
19 I don't know what their motive was to get to some of these
20 other activities in order to discredit and remove him, but it
21 was a question -- apparently, they must have felt that he
22 was a threat to either as shown in the files the President
23 and Attorney General expressed concern about the civil rights
24 movement and his continued affiliation with some of these
25 people.

1 So --

2 Senator Mondale.. Would you agree that it would not be
3 a proper basis for an investigation for the FBI or any other
4 government official to be concerned about the success of the
5 negro movement? - - - - -

6 In other words, that is not a valid --

7 Mr. Adams. I have no problem.

8 Senator Mondale. All right. So let us take the one
9 ground that appears to have justified the investigation of
10 Dr. King and the investigation of the women's liberation
11 movement -- the fear that "dangerous influences might
12 infiltrate these organizations."

13 Suppose it is true. Suppose that a Communist did
14 have influence over Dr. King, or suppose an SDS member
15 infiltrated and became a dominant influence in a chapter of
16 the women's liberation movement and you established it as
17 a fact. What would you do?

18 Assuming that we can't get into this harassing and so
19 on, you agree that that no longer has any validity. So what?
20 What do you have?

21 Mr. Adams. We have potential violations which might
22 arise, which rarely come to fruition and haven't for many
23 years, but we do have an intelligence responsibility under
24 the directives from the President and the Attorney General.
25 That is, with a revolutionary group, like the Communist Party

1 has taken over control of a domestic group and the Communist
2 Party is operated by the Soviet Union. We would furnish that
3 information as we do. Every copy of our reports goes to the
4 Department of Justice.

5 Senator Mondale. - Right. But I just want to get the
6 King case because as I understood, he was being investigated
7 for the reason that it was feared that a Communist or
8 Communists who were suspected of being Communists, or
9 known to be Communists, were gaining influence over him.

10 Suppose you established that. What present use or
11 need is there for that information?

12 Mr. Adams. I feel that the President, the Attorney
13 General, the Executive Branch, needs to know the extent of
14 a foreign-directed Communist organization, its influence and
15 effect on the United States of America.

16 Senator Mondale. All right. So if such information
17 is valid and an investigation to seek it are necessary, is
18 there any limit on the investigative authority of the FBI?

19 We have just heard about the women's liberation movement
20 where we were fearful that New Left, SDS types might have
21 an influence. That justified that investigation. We now
22 have your statement that we were fearful that some Communists
23 might have influence over Dr. King, and therefore, he was
24 thoroughly investigated.

25 Are there any limits then on who can be investigated?

1 Mr. Adams. Well, the only limits are that we must
2 relate it to a statutory basis of one of the Presidential
3 guidelines we have or the criteria we have, which criteria
4 are receiving scrutiny at the present time by Congress. They
5 have in the past by the Department of Justice, and this is the
6 area of guidelines. This whole area of domestic security is
7 what we need guidelines in.

8 Senator Mondale. Right. And you would agree, we talked
9 about this earlier, that being a Communist is not a crime.

10 Mr. Adams. No, it has not been a crime.

11 Senator Mondale. So that the whole basis for this has
12 to apparently stem from a Presidential directive, you think
13 has tasked you to do this.

14 Mr. Adams. Yes.

15 Senator Mondale. Just a few other points.

16 In 1970, 11/6/70, a telegram from Newark to the Director
17 went forth proposing that the following telegram be sent:

18 "Word received. Food donated to party by anti-liberation
19 white pigs contained poison. Symptoms: cramps, diarrhea,
20 severe stomach pains. Destroy all food donated for convention
21 suspected of poison.

22 "However, still required to meet your quota. Signed,
23 Ministry of Information."

24 And this was a telegram that was to be sent from Oakland,
25 California to the Jersey City, New Jersey headquarters. The

1 telegram went on further. It is suggested that the Bureau
2 then consider having the laboratory treat fruit, such as
3 oranges, with mild laxative type drug by hypodermic needle
4 or other appropriate method and ship fruit as a donation from
5 a fictitious person in Miami to the Jersey City headquarters.

6 The answer then from the Director of the FBI:

7 "The Bureau cannot authorize the treating of fruit to
8 be shipped to Jersey City because of lack of control over the
9 treated fruit in transit. However, Newark's proposed
10 telegram regarding food collected for the Revolutionary
11 People's Constitutional Convention has merit."

12 How did you ever get to a point like that?

13 Mr. Adams. I don't know. What was the response from
14 Newark and then the final answer taken?

15 Senator Mondale. It was turned down because they
16 couldn't control transit, but they thought it was a good idea.

17 Do you think that's a good idea?

18 Mr. Adams. No, I don't. I think that --

19 Senator Mondale. How did we ever get to the point that
20 this kind of insane suggestion violating everyone's civil
21 liberties based on government-sponsored fraud? How does
22 anyone ever consider something like that?

23 Mr. Adams. I don't know.

24 Senator Mondale. One final point.

25 When we interviewed one of your former employees, he

1 referred to something I never heard of before called a no-
2 contact list. He did it jokingly because he said when the
3 Pope agreed to see Martin Luther King, he was sure he would be
4 put on the no-contact list thereafter.

5 Can you tell me what that list is?

6 Mr. Adams. Not in any specific detail. I know that at
7 one time there was a, there would be a list that if an agent
8 interviewed an individual and this individual created a storm
9 or a ruckus and we didn't want some other agent stumbling
10 out there and interviewing the same person, that we would make
11 sure that they were aware of the fact that further contacts
12 of this individual would result in a problem.

13 Senator Mondale. All right. Now on 6/24/71, in a
14 memo to Clyde Tolson, it refers to a conference on 8/26/71
15 with certain -- it looks like about 10 members of the FBI.
16 And this is what it says:

17 "Pursuant to your instruction, members of the conference
18 were briefed concerning recent attempts by various newspapers
19 and reporters to obtain information about or from FBI
20 personnel. Members were specifically advised that there would
21 be absolutely no conversations with or answers from any of
22 the representatives of the Washington" -- something. Oh here,
23 from the Washington Post, New York Times, Los Angeles Times,
24 CBS and NBC.

25 "The only acceptable answer to such inquiries is no

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1 comment."

2 Now Senator Huddleston earlier asked about efforts to
3 influence newspapers and media outlet.

4 Does this trouble you, a decision not to answer questions
5 from certain selected media outlets?

6 Mr. Adams. It is not the policy today. I think this
7 has been aired in the past. There was a period of time
8 wherein Mr. Hoover, in reacting to criticism from some of these
9 newspaper men, where he felt he hadn't been given a fair
10 shake, or for some other reason, that he felt that they should
11 be told no comment, and he instructed they be told no comment.

12 The motivations I am not in a position to discuss, but
13 I can tell you that there has been no such policy in the
14 last several years that I know of.

15 Senator Mondale. If you could submit for us, if you
16 can find it, the no-contact list, I would appreciate that.

17 I have some other questions I will submit for the
18 record, Mr. Chairman.

19 The Chairman. Very well. I just have one final follow-up
20 question on Senator Mondale's interrogation.

21 I continue to be somewhat fascinated by how long these
22 investigations go, and when, if ever, they are stopped.
23 Apparently they never come out of the files, whatever is
24 found. But Senator Mondale raised the point of a suspicion
25 that in the Martin Luther King case, an advisor, he was

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1 getting advice from a person who had or was thought to have
2 Communist leanings.

3 And so without using the name, because we are trying to
4 protect privacy as we conduct this investigation --

5 Mr. Adams. I think we have a little more problem than
6 that, too, Senator.

7 The Chairman. I am just using a Mister X in place of
8 the name. What I am trying to get at is when the Bureau,
9 what the criteria is for pursuing an investigation, for
10 pursuing the matter, and this is the kind of a statement that
11 leaves me so perplexed. This has to do with a reply to the
12 New York office by the Bureau here in Washington.

13 The part I read to you is as follows:

14 "The Bureau does not agree with the expressed belief
15 of the New York office that Mr. X is not sympathetic to the
16 Party cause. While there may not be any direct evidence that
17 Mr. X is a Communist, neither is there any substantial
18 evidence that he is anti-Communist."

19 And so the directions are to continue the investigation
20 of this matter. And in cases of this kind, do you pursue
21 the investigation until you prove the negative?

22 Mr. Adams. No. I believe in that particular case, if
23 it is the one I am thinking about, that there was evidence
24 that at one time he had been a Communist and that there was
25 a question of whether the office felt -- well, it's like we

1. have had some situations where a person comes out and publicly
2. disavows their former leanings.

3. Do you take them at words right away after they have
4. been engaged in violent activities, or do you wait until
5. you determine that they really have carried through the dis-
6. avowed practice?

7. That's a gray area. This one seems like on the wording
8. itself, would seem like an extreme philosophy, leaning towards
9. everyone has to prove in the United States they are not
10. a Communist, and I can assure that is not a policy of the
11. Bureau and does not fit into the criteria of our general
12. investigative matters.

13. I just feel that there is more to it than just that
14. brief paragraph.

15. The Chairman. That particular kind of philosophy has
16. kept up in our life from time to time. I remember during
17. the days of McCarthyism in this country, we came very close
18. to the point where people had to prove that they were not
19. now or had never been a Communist in order to establish them-
20. selves as patriotic citizens.

21. Mr. Adams. That's right. That's true.

22. The Chairman. And when I see standards of this kind
23. or criteria of this kind emerging, it worries me very much.

24. I have no further questions. I want to thank you
25. both. If there are no further questions, I want to thank

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1 you both for your testimony this morning. It has been very
2 helpful to the Committee, and the Committee will stand adjourned
3 until 2:00.

4 We will stand adjourned in public session. Our next
5 public session will be 2:30 tomorrow afternoon for purposes
6 of press questioning on the assassination report.

7 (Whereupon, at 1:07 o'clock p.m., the Committee adjourned,
8 to reconvene at 2:30 o'clock p.m., Thursday, November 20,
9 1975.)

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